

STANDARDS REGIME – AN UPDATE

Report of the Chief Legal Officer

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1. Purpose of Report

- 1.1 To provide an update to Members on the implementation of the standards regime at the Council.

2. Summary

- 2.1 The Localism Act 2011 made fundamental changes to the system of regulation of standards of conduct for elected and co-opted members. This report provides an update to members on the standards regime at the Council including information about recent guidance issued by the Department of Communities and Local Government. (copy attached)
- 2.2 Whilst there does not appear to be any significant concerns about the arrangements that were introduced in July 2012 members may consider it appropriate that a review of them of them be undertaken.
- 2.3 It is proposed that members will not be advised to seek a dispensation in respect of the budget debate in February 2014.

3. Recommendations

- 3.1 The views of the Committee are sought on the matters referred to in this report.

4. Background

- 4.1 The Localism Act 2011 (the '2011 Act') made fundamental changes to the system of regulation of standards of conduct for elected and co-opted members of local authorities. The 2011 Act included provisions relating to member interests including the introduction of DPIs. DPIs are interests prescribed by Regulations under the 2011 Act. Failure to

register a DPI or participate in any discussion at a meeting where a member has a DPI amounts to a summary offence.

- 4.2 The 2011 Act placed on the Council a duty to promote and maintain high standards of conduct by members and co-opted members and also required the Council to make a number of other changes to its standards regime including:
- (a) the adoption of a revised Code of Conduct for members
 - (b) the putting in place of arrangements to deal with allegations that there has been a breach of the Code of Conduct
 - (c) the appointment of an Independent Person

5. Code of Conduct

- 5.1 The Code of Conduct adopted by County Council in July 2012 was modelled on the template code produced by the Department of Communities and Local Government (DCLG). It has been in operation for just over 12 months and whilst there have not been any specific issues raised by members or others in relation to its wording it may be appropriate for a review to be undertaken to see if any refinements are required. A review would be consistent with the Council's duty to promote and maintain high standards of conduct.

6. DCLG Guidance

- 6.1 DCLG has published guidance for councillors in respect of the standards regime. This guidance is for members of all authorities irrespective of the form of their Code of Conduct. The latest version of the guidance is dated September 2013 and is attached to this report as Appendix A. The guidance aims to give practical information to councillors in all tiers of local government about how to be open and transparent in their personal interests.
- 6.2 The previous version of the DCLG Guidance (dated March 2013) has been made available to all members of the Council. The main difference between the September 2013 Guidance and the March 2013 Guidance relates to the registration of personal interests and in particular Trade Union membership. The September 2013 Guidance includes the following:

All sitting councillors need to register their declarable interests – both declarable pecuniary interests, and other interests that must be declared and registered as required by your authority's code, or your duty to act in conformity with the Seven Principles of Public Life, such as your membership of any Trade Union.

- 6.3 The September 2013 Guidance appears to be that there is a legal requirement to register membership of a Trade Union. Trade Union membership is not a DPI as prescribed in Regulations and members are not, therefore, under a legal requirement to disclose such membership, although sponsorship of a member by a Trade Union would be a DPI. The Council's code of conduct does not specifically require any interests other than those that comprise DPIs to be registered, although if relevant then membership of a Trade Union would need to be declared at a meeting as a Declarable Interest.
- 6.4 It is proposed that the latest DCLG Guidance is circulated to members explaining the position relating to DPIs and Trade Union membership as mentioned above and also giving advice that as with membership of any other organisation members will need to consider on a meeting by meeting basis whether Trade Union membership is relevant under the terms of the Council's Code relating to declarable interests.
- 6.5 When the revised DCLG Guidance was issued in September DCLG also issued a revised template Code of Conduct which includes reference now to Trade Union membership. It is suggested that consideration of the revised template could be undertaken as part of the review proposed at paragraph 5.1.

7. Members' Interests and Training

- 7.1 Following the County Council election in May 2013 all new members were asked to complete DPI forms. Returning members were asked to update their existing declarations if necessary. Co-opted members of the Council (e.g. non-county councillor members of the Health & Well-Being Board and education members of Overview & Scrutiny Committee) have been informed of the legal requirement to register their DPIs.
- 7.2 Training sessions were held following the County Council elections in May 2013. The Chief Legal Officer has also given advice individually to members when requested. Separate discussion/training was also offered to the members of the Health & Well-Being Board on the Code of Conduct.

8. Dispensations

- 8.1 The 2011 Act provides that following a written request made to the proper officer dispensations can be granted to enable members to participate in meetings where they have a DPI.
- 8.2 There was some uncertainty when the new standards regime was introduced as to whether a dispensation was required for members to enable them to participate in the budget debate/setting council tax.

DCLG Guidance provides that dispensation is not required for setting council tax. Whilst there is still some uncertainty on the matter it is proposed not to advise members to seek dispensation in future in respect of the budget debate solely because of their ownership/tenancy of land in the area of the Council.

9. Arrangements for dealing with complaints of breach of the Code of Conduct

Revised arrangements were introduced in July 2012 to deal with complaints that members had breached the Code of Conduct. An update on these arrangements comprises item 3 on the Agenda.

8. Financial Implications

None.

Background Information

Appendix A - DCLG Guidance September 2013