

THE LOCALISM ACT 2011 – THE AMENDED STANDARDS REGIME - ADOPTION OF NEW CODE OF CONDUCT FOR MEMBERS AND ADOPTION OF ARRANGEMENTS FOR DEALING WITH ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT

Submitted by: Head of Central Services and Monitoring Officer

Ward(s) affected: All

Purpose of the Report

To inform Members of the changes and recommended actions required for the Council to implement the new regime and for Council to approve the draft Code of Conduct for Members attached at Appendix A and the arrangements for dealing with complaints at Appendix B.

Recommendations

- (a) That the Borough Council adopt the new Code of Conduct for Members.
- (b) That Council adopt the Arrangements for dealing with allegations of breaches of the Code of Conduct.

Reasons

To promote and maintain high standards of conduct and to comply with the Localism Act 2011.

Background

- 1. **The Localism Act 2011**
 - 1.1 The Localism Act 2011 makes fundamental changes to the system of regulation of standards of conduct for elected and co-opted Members.
- 2. **Duty to Promote and Maintain High Standards of Conduct**
 - 2.1 The Council will remain under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted members. District councils will continue to have responsibility for dealing with standards complaints against elected and appointed members of Parish Councils.
- 3. **Code of Conduct**
 - 3.1 The Council is required to adopt a new Code of Conduct governing elected and co-opted Members conduct when acting in that capacity. A draft Code in accordance with the new legislation has been prepared by the Monitoring Officer. Unfortunately due to the requirement to have a code in place by July 2012 that accords with the Regulations and Guidance which were made only a few weeks ago there has been limited time to consult with Members. However the previous recommendation from the standards committee was to retain the current code as far as that was possible and your officer has sought to do that in this draft. The Code can of course be reviewed at any time.

4. **Dealing with Misconduct Complaints**

4.1 **“Arrangements”**

The Act requires that the Council adopt “arrangements” for dealing with complaints of alleged breach of Code of Conduct both by district and parish council Members, and such complaints can only be dealt with in accordance with such “arrangements”. The arrangements must set out in some detail the process for dealing with complaints of misconduct and the actions which may be taken against a Member found to have failed to comply with the relevant Code of Conduct

4.2 The Monitoring Officer has drafted a set of ‘Arrangements’. This document is attached at Appendix B. It has been drawn up in accordance with what was agreed by Standards committee in March of this year having taken note of the views of the Local Government Association the Association of Council Solicitors and Secretaries leading practitioners and the Guidance.

5. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

5.1 The new regime will contribute to the overall ethical wellbeing of the Council, and help to ensure a culture of high ethical standards, which the public and the Council’s partners can have confidence in. This will thereby contribute to the Council’s priority of transforming our Council to achieve excellence.

6. **Legal and Statutory Implications**

The Council will remain under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted Members and to provide the Monitoring Officer with such staff, accommodation and such other resources as are in his opinion sufficient to allow him to perform the duties of the post.

7. **Equality Impact Assessment**

No differential equality impact issues have been identified.

8. **Major Risks**

There are no specific risk issues.

9. **Financial Implications**

There are none flowing from this report.

10.1 **List of Appendices**

Appendix A – Adoption of New Code

Appendix B – New Model Arrangements for Dealing With Standards Allegations Under the Localism Act 2011