

Standards and Audit Committee

Tuesday 7 February 2012

APPENDICES

<u>APPENDIX</u>	<u>REPORT</u>	<u>PAGE NO.</u>
Exempt A	Minutes 17 October 2011	numbered and circulated separately
B	Standards for England Abolition – Update – Suggested Action Plan	2
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LOCALISM ACT 2011 – STANDARDS REGIME

DRAFT ASSESSMENT AGAINST THE CURRENT CODE OF CONDUCT AND SUGGESTED ACTION PLAN

	Issue	Comment	Mandatory or Discretion	Code	Constitution and Standing Orders	Scheme of Delegation
1	<p>Content of the Member Code of Conduct</p> <p>i) Context and Introduction for the Code of Conduct including the 7 principles-</p> <ul style="list-style-type: none"> • Selflessness • Integrity • Objectivity • Accountability • Openness • Honesty • Leadership <p>ii) Existing Paragraphs 3 – 7 of the Code</p>	<p>- The following principles are no longer applied but much of the intent can be implied under the 7 retained-</p> <ul style="list-style-type: none"> • Personal Judgement • Respect for Others • Duty to Uphold the Law • Stewardship <p>- Can include option to adopt these or include expanded definitions of the 7</p> <p>- These can be included as a rationale under the 7 principles can be argued for each.</p> <p>- However, this is something on which members views should be sought as to extent and content.</p>	<p>M re 7 principles but D re extent</p>	<p>X</p>		
			<p>D</p>	<p>X</p>		

Issue	Comment	Mandatory or Discretion	Code	Constitution and Standing Orders	Scheme of Delegation
<ul style="list-style-type: none"> iii) Registerable Interests <ul style="list-style-type: none"> • Disclosable Pecuniary Interests (DPI's) • Other pecuniary Interests • Non pecuniary interests ○ Registration ○ Informing the Monitoring Officer (MO) 	<p>- Regulations awaited to provide the definition of DPI's. Failure to declare DPI's a criminal offence.</p> <p>- Protocol needed with Police as to investigations and referrals</p> <p>- Members views to be sought on the extent and type of other interests to be registered - breach of Code only.</p> <p>- See also Paras 6 & 7 below as to Constitutional changes needed</p> <p>- Act contains specific requirements</p> <p>- Act only requires registration and disclosure of interests at meetings that are not on the register. Ought Members to be required to inform the MO prior to meetings of any interests they have or at the meeting itself?</p>	<p>M</p> <p>D</p> <p>M</p> <p>D</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p></p> <p></p> <p></p> <p>X</p> <p></p> <p>X</p>

	Issue	Comment	Mandatory or Discretion	Code	Constitution and Standing Orders	Scheme of Delegation
	<ul style="list-style-type: none"> ○ Updating Register entries 	<ul style="list-style-type: none"> - Need only update on election or appointment. However in practice it would be sensible to include a requirement to keep these up to date on a continuing basis as is current practice. 	M and D re extent	X	X	X
	<ul style="list-style-type: none"> ○ Withdrawal from/ not speaking or voting at meetings 	<ul style="list-style-type: none"> - Applies to DPI's only. - Seek Member views on whether to apply to other interests? 	M D	X X		
	<ul style="list-style-type: none"> ○ Dispensations 	<ul style="list-style-type: none"> - MO or Standards and Audit Committee approval required? 	M but D as to who decides	X X		X
	<ul style="list-style-type: none"> ○ Sensitive Interests 		M	X		X

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2	Register of Interests <ul style="list-style-type: none"> Preparation and Maintenance for BC Training/advice to Members 	MO duty to prepare and maintain for all. Sensible and particularly for maintenance of the register?	M D	X		X X
3	Arrangements for dealing with Complaints <ul style="list-style-type: none"> Stages of the process and explanatory leaflets Procedure to be adopted 	- To be drafted separately	M but D as to content			X X
4	Appointment of Independent Members of the new Committee and Independent Person(s) <ul style="list-style-type: none"> Job Description Expenses and Allowances (continued in box below)	- No requirement for a Job Description but sensible to ensure the right people are appointed - For the Independent Person(s) not already within the Terms of Reference of the Independent Remuneration Panel (as not Members of the Council) this will need to be addressed by the panel	M and D and D re contents of the various elements	X	X	X X X

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4.	<ul style="list-style-type: none"> • Advertisement • Role under the Code 	<ul style="list-style-type: none"> - To be drafted - To be co-opted and can participate at meeting of the new Committee. 	M and D and D re contents of the various elements	X X	X X	
5	<p>Agreeing a Committee to deal with Standards complaints</p> <ul style="list-style-type: none"> • Terms of reference • Procedures 	<p>Proposal is to continue with Standards and Audit Committee</p> <ul style="list-style-type: none"> - To be agreed by full Council, - To be drafted- A model draft has been produced by Bevan Brittan which will be revised as appropriate. 	M but D as to format and content		X X	X X

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6.	<p>Amendments required to Other Codes and protocols</p> <ul style="list-style-type: none"> • Member and Officer Protocol <ul style="list-style-type: none"> ○ ref to the statutory code ○ ref to breaches referred to the Standards and Audit Committee • Planning Code of Conduct • Licensing Code of Conduct 	<p>It would make sense to cross reference these documents or, even better, add the others as Annexes to the main Member Code for transparency and clarity</p>	M	X	X	
7.	<p>Constitutional Changes required</p> <ul style="list-style-type: none"> • Standards and Audit Committee • Responsibility for Functions <ul style="list-style-type: none"> ○ Standards and Audit • Council Procedure • Corporate Management Committee Procedures • Overview and Scrutiny Procedure (Future of) 	<p>- Requires rewriting?</p> <p>References made to the Code re the conduct of Members</p> <p>- The rules as to the number and role of the Independent members has changed</p>	M		X	

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<ul style="list-style-type: none"> • Committees etc Procedure <ul style="list-style-type: none"> ○ Rule re who may sit on the Standards and Audit Committee ○ Rules dealing with Standards Sub Committees • Public Speaking Procedure Rules 		<p>M</p> <p>M/D</p> <p>M/D</p> <p>M</p>		<p>X</p> <p>X</p> <p>X</p> <p>X</p>	

**ANALYSIS OF CASES HANDLED BY THE LOCAL GOVERNMENT OMBUDSMAN
SINCE THE LAST REPORT TO THIS COMMITTEE**

TO 11 JANUARY 2012

Reference	Category	Sub Category	Date Received	Decision Date	Outcome
11 009 636 61 21 043	Housing	Homelessness	22 08 11	11 10 11	To discontinue investigation
11 010 357 61 21 044	Planning and Development	Planning applications	19 09 11	21 12 11	To discontinue investigation
11 002 111 61 21 045	Planning and Development	Breach of planning control	8 09 11	7 12 11	Not to initiate an investigation
11 012 851 61 21 046	Planning and Development	Breach of planning control	24 10 11	8 11 11	Out of jurisdiction
11 012 666 61 21 047	Planning and Development	Breach of planning control	24 10 11	8 11 11	Out of jurisdiction
11 013 772 61 21 048	Housing	Homelessness	26 10 11	17 11 11	Not to initiate an investigation