

STANDARDS COMMITTEE

The New Standards Regime under the Localism Act 2011

14th June 2012

Report of the Monitoring Officer

PURPOSE OF REPORT

To update the Committee on progress with implementation of the Localism Act 2011, and if Regulations and Orders are published before the date of the meeting, to enable it to consider a revised Code of Conduct for recommendation to the Council.

This report is public

RECOMMENDATIONS

- (1) **That Committee considers the draft Code of Conduct prepared by the Monitoring Officer (and any update circulated before or at the meeting), with a view to making recommendations to Council as to the Code of Conduct it should adopt under the Localism Act 2011**

1.0 Introduction

- 1.1 At the time of writing this report, the Monitoring Officer had had sight, through the Association of Council Secretaries and Solicitors (ACSeS) of draft Regulations and implementation Order, and had been advised that the making of the relevant Regulations and Order was imminent.
- 1.2 On that basis, and on the basis of the Committee's previous indication that it would wish to recommend to Council a Code of Conduct that is so far as possible similar to the Council's current code, the Monitoring Officer has prepared the attached draft Code of Conduct for the Committee's consideration. This is in two parts, the first containing general obligations, and the second containing provisions relating to the registration and declaration of interests.
- 1.3 The draft is very much work in progress, and updated drafts may be circulated to Members prior to the meeting.
- 1.4 The Monitoring Officer has also prepared for the Committee's consideration, based on its deliberations at its meeting in January, a document setting out the arrangements to deal with any allegations of breach of the Code of Conduct.

2.0 Proposal Details

- 2.1 Appendix 1 to this report is a draft Part A of a new Code of Conduct, dealing with general obligations. In preparing this draft, the Monitoring Officer has tried to update the provisions of the current 2007 Code, whilst keeping those provisions so far as possible unchanged, as requested by the Committee. In particular, the Committee is asked to consider the new paragraph 6 which has

been inserted in the light of the discussions at the Committee's last meetings. The Monitoring Officer felt that it was appropriate to include these provisions in the actual Code rather than the preamble, but the Committee's views on this are sought.

- 2.2 Appendix 2 to this report is a draft Part B of a new Code of Conduct dealing with the declaration and registration of interests. Section 1 of this Part deals with disclosable pecuniary interests, and reflects the provisions of the Localism Act 2011 and draft Regulations which define disclosable pecuniary interests.
- 2.3 With regard to disclosable pecuniary interests, the Monitoring Officer would recommend that the Council Procedure Rules be amended to require a member with a disclosable pecuniary interest to leave the room whilst any discussion and voting takes place. This would replicate the position under the current Code.
- 2.4 The Act and draft Regulations do not require a member to update the registered disclosable pecuniary interests unless and until an item of business relating to such an interest arises. The Committee may wish to consider recommending a local requirement in the Code to register disclosable pecuniary interests as and when they arise.
- 2.5 Section 2 of Part B deals with other interests that do not fall within the definition of disclosable pecuniary interests. This Section is broadly a simplified version of the current Code, and the Committee's views on it are sought. In particular, the Committee may wish to consider the appropriate threshold for registering and declaring gifts and hospitality.
- 2.6 A copy of the current 2007 Code is attached at Appendix 3 for ease of reference.
- 2.7 Draft arrangements for dealing with allegations of breach of the Code of Conduct are attached at Appendix 4. These are based on the Committee's discussions at its meeting in January 2012.

3.0 Details of Consultation

- 3.1 Appendices 1 and 2 are working documents as the final government Regulations and Orders had not at the time of writing this report been published. The Monitoring Officer has received advice from ACSes and has had discussions with fellow Monitoring Officers

4.0 Options and Options Analysis (including risk assessment)

- 4.1 The appendices are for discussion, with a view to the Committee making recommendations to Council. However, much will depend on whether Regulations and Orders are made prior to the meeting, and whether the commencement date is known by then.

5.0 Conclusion

Any further information that becomes available will be reported in advance of or at the meeting.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p>

<p>None arising from this report.</p>

<p>LEGAL IMPLICATIONS</p>

The Code of Conduct will need to comply with the Localism Act 2011 and Regulations made thereunder.

FINANCIAL IMPLICATIONS

None arising from this report.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

It will be a requirement for the registers of interests of the City Council and the parish councils within its district to be available on the City Council's website.

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The report has been prepared by the Monitoring officer in her capacity as adviser to the Standards Committee

BACKGROUND PAPERS

None

Contact Officer: Mrs Taylor

Telephone: 01524 582025

E-mail: STaylor@lancaster.gov.uk

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