

Bath & North East Somerset Council

MEETING:	Standards Committee
MEETING DATE:	20 th September 2012
TITLE:	Implementation of the new Standards Regime
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report: Appendix 1 - Proposed complaints procedure.	

1 THE ISSUE

1.1 To report to the Committee the current situation in respect of the implementation of the new Standards Regime and seek the Committee's guidance on the issues outlined the report.

2 RECOMMENDATION

2.1 That the Committee consider the issues raised in the report.

3 FINANCIAL IMPLICATIONS

3.1 It is hoped that the new Standards regime will be no less expensive than the current regime in terms of the costs of Committee meetings, Committee support and investigations. There may be some additional costs in respect of the implementation of the requirements of the Act in respect of Parish and Town Council registers which will need to be absorbed within existing Legal & Democratic Service's budgets.

4 THE REPORT

4.1 The Council as a result of previous decisions by the Committee and by Council already have in place a number of arrangements concerning the new regime. The purpose of this report is to update on progress and also ask the Committee to decide on a number of matters as outlined in the remainder of section 4.

4.2 Progress on implementation

Council in July adopted a new Code of Conduct and, in accordance with the requirements of that Code, all Bath & North East Somerset Council members have been asked to complete the appropriate forms concerning both disclose able pecuniary interests and notified gifts and hospitality. The Monitoring Officer will update the meeting as to the number of duly completed registers that have been received. One aspect which needs to be considered is training on the new Code. The Committee's views are sought on this; as a minimum it is recommended that 2 or 3 sessions should be offered by the Monitoring Officer in the autumn of this year and the Committee is invited to back this proposal and also indicate any further action it would recommend.

The Committee will recall previous discussions about the chairing of the Committee and the Committee's views are sought on this. As a result of the change in the statutory regime, it is no longer possible for co-opted members to have voting rights but given that the Committee has hitherto worked in an essentially consensual manner it is not envisaged that this will cause any problems and that both independent and parish representatives will participate fully in discussion and debate in matters referred to the Committee. The legal requirement, however, for a chair of a Council committee to have a second or casting vote is problematic; it is recommended that the Committee should appoint one of the members with voting rights as a Chair but designate one of the independent members as 'lead independent co-opted member' who would have a particularly role when it came to the filtering and assessment of complaints.

4.3 Process of dealing with complaints against councillors

Annex 1 contains a draft procedure for the Committee's consideration. The Committee will particularly note that it has 2 options in respect of the way in which the complaints that need to be considered are dealt with; the recommendation is that the light touch second method should be used with the option of bringing in or instigating some form of 'investigation' (whether undertaken by internal or external assistance) in exceptional cases which are particularly complex.

4.4 Registers of Interests

The Council is now in a position to comply with the requirements of the 2011 Act for there to be both a paper copy of declared interests and also one hosted on its

web site. There will be a far bigger challenge under section 4.5 when it comes to Town and Parish Council registers.

4.5 Parish and Town Councils

This Council and Parish and Town Councils have distinctive roles under the new regime. It is this Council's role to maintain a Register of Parish and Town Councils' declared interests, to deal with allegations concerning the breach of the Code adopted by Parish and Town Councils and as such the Monitoring Officer, as required by the 2011 Act, has responsibilities both to this Council and to the Parish and Town Councils in the area.

The role of Parish and Town Councils is to adopt their own Code, (which a number are in the process of doing) and deal with requests for dispensations made by Parish and Town Councillors to participate in Parish and Town Council business (a role formerly undertaken by the Standards Committee of this Council).

The Monitoring Officer, in consultation with the Secretary of the Association of Local Councils for the area, has provided guidance to Parish and Town Clerks concerning the new Standards regime.

4.6 The role of the independent persons

The Committee will recall that there are significant differences between the new regime and the old regime concerning independent persons. Under the old regime, the Council was required to have a number of independent co-opted members of the Standards Committee and it was considered that this requirement

worked well and Council in July established this Committee with independent co-opted members to ensure that the previous good practice was continued. The 2011 Act however introduced the concept of a confusingly named 'independent person' who was to be an individual appointed by the Council 'but not as a member of the Committee' who would have a role in commenting on complaints made in a number of ways; potentially to be contacted by potential actual complainants concerning the conduct of other members, to be contacted by the Monitoring Officer in assessing whether or not a complaint should be pursued and to assist the Standards Committee in its deliberations. An advertisement has been placed for the filling of this position; it is recommended that a decision on who to appoint once applications are considered should be delegated to the Monitoring Officer in consultation with the Lead Independent member of the Committee.

4.7 Transitional issues

There are 2 cases which were not completed under the old regime and the Monitoring Officer will update the meeting as to the implications of this and the recommended course of action.

5 RISK MANAGEMENT

5.1 No risk assessment related to the issue and recommendations has been undertaken.

6 EQUALITIES

a) An Equality Impact Assessment (EqIA) has been completed. Adverse impacts were identified and have been justified/mitigated in the following ways ...

b) An EqIA has been completed. No adverse or other significant issues were found.

7 CONSULTATION

7.1 Consultation has been undertaken with the Chief Executive and the Section 151 Officer.

8 ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 *Human Rights; Corporate; Other Legal Considerations*

9 ADVICE SOUGHT

9.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

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Background papers	<i>None</i>
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