

Committee:	Standards Committee	Agenda Item No.:	10.
Date:	24 <sup>th</sup> April 2012	Category	*
Subject:	Arrangements for the Appointment of Independent Persons (Localism Act 2011).	Status	Open
Report by:	Monitoring Officer		
Other Officers involved:	Deputy Monitoring Officer		
Director	N/a		
Relevant Portfolio Holder	<b>N/a</b>		

#### **RELEVANT CORPORATE AIMS**

COMMUNITY SAFETY – Ensuring that communities are safe and secure  
CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services

ENVIRONMENT – Promoting and enhancing a clean and sustainable environment

REGENERATION – Developing healthy, prosperous and sustainable communities

SOCIAL INCLUSION – Promoting fairness, equality and lifelong learning.

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

This report relates to the development of the new ethical following the Localism Act 2011. Consequently, it is relevant to all the corporate aims.

#### **TARGETS**

None, although the current deadline for the introduction of the new ethical framework under the Localism act 2011 is 1<sup>st</sup> July 2012. It will be necessary to propose arrangements to the Council at their meeting in June this year to meet the deadline.

#### **VALUE FOR MONEY**

N/a

#### **THE REPORT**

As members are aware from previous reports on the Localism Act 2011, the new regime has to be in place for the 1<sup>st</sup> July. However we are currently still awaiting further guidance from the Government on Disclosable Pecuniary Interests (DPIs) and other parts of the framework.

In the absence of that guidance, the Authority needs to put in place suitable arrangements combined with delegations so that the new system can be in place in time.

There are a number of aspects that need to be considered:-

- The Derbyshire Monitoring Officers Group
- The replacement Code of Conduct
- Disclosable Pecuniary Interests and change to the Standing Orders
- Independent Persons/Joint advertising
- Investigation Procedure
- Constitution of Standards Committee after the 1<sup>st</sup> July 2012
- Parish Councils
- Transition arrangements for existing complaints
- Timetable
- A Special meeting to be held in May prior to the June Council meeting.

### **Derbyshire Monitoring Officers**

Monitoring Officers in Derbyshire have met twice now. They are working on all aspects of the new framework including the new Code of Conduct, recruitment of Independent Persons, an investigation procedure and other matters that arise.

This group is proving very useful. An investigation procedure is in its final stages of drafting and may be available for this meeting.

The Group will meet again at the start of May.

### **The replacement Code of Conduct**

Various drafts have been made available – from the DCLG, the LGA, Acses. The Group has considered these with a view to recommending one model throughout Derbyshire. At present there are 2 models which are being put forward for further consideration by the Group. One is a very simple 2 page one drafted by the LGA. The other would be a modified version of the existing Code. Many of the Monitoring Officers present at the last meeting believe that the simple form would be preferable. There were concerns from others that there should be more guidance than is contained in the 2 page LGA draft. Members' views are sought on this. I will then consult the party Leaders for their views.

The LGA version is attached to this report.

### **Disclosable Pecuniary Interests**

No guidance has yet been produced as to what will be covered by this interest.

There will continue to be a responsibility on the Monitoring Officer to maintain the Register and to publish it. It will also have to be on the Council's website. This is the same for the Parish and Town Councils Registers as well, meaning that for the first time the Monitoring Officer will be required to put the Parish and Town Council Registers on the District's website.

It should also be remembered that registration requirement now applies to a member's spouse or partner.

There will be no requirement for a Councillor with a Disclosable Pecuniary Interest to leave the Chamber following declaration. It is recommended that this requirement be placed in the Council's Standing Orders. It is expected that most Councils will be doing this.

### **Independent Persons recruitment**

No Regulations or guidance have been produced by the Government.

In view of the Strategic Alliance partnership between Bolsover and North East Derbyshire District Council it seems logical to do some joint advertising. Chesterfield Borough Council is interested in joining in with the process. Members' views are sought on this.

It is recommended that there are 2 Independent Persons appointed. This is to ensure that the Authority is never left in a position where through illness or retirement there is no Independent Person. In addition because the Independent Person will be dealing with both the Monitoring Officer and the Councillor complained of, it seems advisable to have 2.

Current Co-optees on the Standards Committee will be able to apply to become Independent Persons for other Councils, but not Bolsover.

In terms of remuneration, the Independent Person is not a member, so is not covered by the Independent Remuneration Panel which reports on Members' Allowances. It has been suggested that this panel should, nevertheless, offer a view on remuneration.

### **Constitution of Standards Committee form 1<sup>st</sup> July**

The Council has already determined that it wishes to continue with a Standards Committee and in practical terms for dealing with complaints, training etc. it seems sensible to continue this through the experienced members of this Committee.

However its membership and constitution will change as follows:-

- The new Standards Committee will be politically balanced. In practice it always has been at Bolsover.
- There will be no requirement for there to be co-optees or Parish Council representatives on the Committee.

Members' views are sought so that a recommendation can be made to Council at the June meeting of the Council.

### **Parish and Town Councils**

As members are aware there is no obligation on Parish and Town Councils to adopt the same code of conduct as the District. They do have to adopt a code. They do not have to apply any sanctions arising from a hearing. This latter may well lead to conflict.

I will propose to the 15 Parish and Town Councils that they adopt the same as Bolsover.

The Parish Council Liaison meeting would be the best place to take this to seek the views of the Parish and Town Councils. If there is no suitable meeting, I will write to all the Parish and Town Councils.

### **Transition arrangements for existing complaints**

It is likely that Bolsover will have outstanding complaints at the 1<sup>st</sup> July. It is not yet known how these cases will be dealt with.

### **Timetable**

This is attached at pages 26 and 27. As can be seen it does include a requirement for a special meeting of this Committee in May.

### **ISSUES FOR CONSIDERATION**

The set up of the new ethical framework as described in the report.

### **IMPLICATIONS**

Financial : None

Legal : As in the report

Human Resources : None.

### **RECOMMENDATION(S)**

- 1. That Members consider the LGA code and the current code and offer views as to which would be preferable**
- 2. That Members give opinions to Council as to joint advertising and recruitment for the appointment of Independent Persons with the Council's Strategic Alliance partner North East Derbyshire District Council and Chesterfield Borough Council.**
- 3. That Members offer comments to Council on how the remuneration of the Independent Persons should be determined.**
- 4. Members' views are sought on the size and make up of the new Standards Committee from the 1<sup>st</sup> July 2012.**
- 5. That it is recommended that the Monitoring Officer is given delegated power to do anything necessary to bring the ethical framework into being for the 1<sup>st</sup> July or any subsequent deadline.**

ATTACHMENT:           **Y**  
FILE REFERENCE:       **None**  
SOURCE DOCUMENT:   **Localism Act 2011**

### **Attachments**

LGA draft code and Acses comments **(from MO meetings agenda)**  
Timetable