

## MEETING OF THE STANDARDS COMMITTEE

DATE: WEDNESDAY, 7 MARCH 2012

TIME: 5:30 pm

PLACE: THE FOUNTAIN ROOM - GROUND FLOOR, TOWN HALL,

**TOWN HALL SQUARE, LEICESTER** 

## **Members of the Committee**

Councillors Naylor, Osman, Porter, Thomas, Westley and Willmott

Mrs Sheila Brucciani (Independent Member) (Chair) Ms Kate McLeod (Independent Member) Ms Mary Ray (Independent Member)

Members of the Committee are invited to attend the above meeting to consider the items of business listed overleaf.

Elaine Baker

for the Monitoring Officer

#### INFORMATION FOR MEMBERS OF THE PUBLIC

#### **ACCESS TO INFORMATION AND MEETINGS**

You have the right to attend Cabinet to hear decisions being made. You can also attend Committees, as well as meetings of the full Council. Tweeting in formal Council meetings is fine as long as it does not disrupt the meeting. There are procedures for you to ask questions and make representations to Scrutiny Committees, Community Meetings and Council. Please contact Democratic Support, as detailed below for further guidance on this.

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Dates of meetings are available at the Customer Service Centre, King Street, Town Hall Reception and on the Website.

There are certain occasions when the Council's meetings may need to discuss issues in private session. The reasons for dealing with matters in private session are set down in law.

#### WHEELCHAIR ACCESS

Meetings are held at the Town Hall. The Meeting rooms are all accessible to wheelchair users. Wheelchair access to the Town Hall is from Horsefair Street (Take the lift to the ground floor and go straight ahead to main reception).

#### **BRAILLE/AUDIO TAPE/TRANSLATION**

If there are any particular reports that you would like translating or providing on audio tape, the Democratic Services Officer can organise this for you (production times will depend upon equipment/facility availability).

#### **INDUCTION LOOPS**

There are induction loop facilities in meeting rooms. Please speak to the Democratic Services Officer at the meeting if you wish to use this facility or contact them as detailed below.

General Enquiries - if you have any queries about any of the above or the business to be discussed, please contact Elaine Baker, Democratic Support on (0116) 229 8806 or email Elaine.Baker@leicester.gov.uk or call in at the Town Hall.

Press Enquiries - please phone the Communications Unit on 252 6081

#### **PUBLIC SESSION**

#### **AGENDA**

#### 1. APOLOGIES FOR ABSENCE

#### 2. DECLARATIONS OF INTEREST

Members are asked to declare any interests they may have in the business on the agenda, and/or indicate that Section 106 of the Local Government Finance Act 1992 applies to them.

#### 3. MINUTES OF PREVIOUS MEETING

Appendix A

The minutes of the meeting of the Standards Committee held on 18 January 2012 are attached. Members are asked to confirm them as a correct record.

#### 4. STANDARDS FRAMEWORK - THE FUTURE

The Chair will lead a discussion on the future Standards framework for Leicester.

#### 5. SOCIAL NETWORKING GUIDANCE

The Committee is asked to note that Councillor Naylor has held discussions on developing guidance for elected members on social networking and protecting e-identity, but it has not been possible to progress the work further, as information required from other sources has not been forthcoming. (Minute 18, "Social Networking", 7 September 2011 refers)

#### 6. ANY OTHER URGENT BUSINESS

#### 7. PRIVATE SESSION

#### MEMBERS OF THE PUBLIC TO NOTE

Under the law, the Committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

The Committee is recommended to consider the following reports in private on the grounds that they contain 'exempt' information as defined by the Local Government (Access to Information) Act 1985, as amended and consequently that the Cabinet makes the following resolution:-

"that the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local

Government Act 1972, as amended, because they involve the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.

#### Paragraph 1

Information relating to any individual

#### Paragraph 2

Information which is likely to reveal the identity of an individual

#### Paragraph 7c

The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act

## 8. COMPLAINT AGAINST A COUNCILLOR: TO NOTE Appendix B ACTION TAKEN BY THE MONITORING OFFICER

The Monitoring Officer submits a report

# Appendix A



Minutes of the Meeting of the STANDARDS COMMITTEE

Held: WEDNESDAY, 18 JANUARY 2012 at 5.30pm

#### PRESENT:

Mrs Sheila Brucciani (Independent Member) (chair)
Ms Kate McLeod (Independent Member)
Ms Mary Ray (Independent Member)

Councillor Porter Councillor Thomas Councillor Westley

\* \* \* \* \* \* \* \*

#### 31. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Naylor, Osman and Willmott.

#### 32. VOTE OF THANKS

The Committee recorded its thanks to Perry Holmes, Director of Corporate Governance, and Heather Kent, Democratic Services Officer, both of whom had recently left their posts, for their work on behalf of the Committee.

#### 33. DECLARATIONS OF INTEREST

The Acting City Solicitor gave legal advice.

Councillor Westley declared a personal interest in agenda item 8, "Complaint Against a Councillor: To Consider the Investigator's Findings", in that he was a Freemason. Councillor Westley confirmed that he was a member of a different lodge to the Member who was the subject of the report referred to and that he had not been approached by anyone from either lodge in regard to this case. He therefore felt that he was able to consider this report with no bias or preconceived views.

#### 34. ITEM OF URGENT BUSINESS - PROCEDURAL ISSUES

With the agreement of the Chair, the Committee considered an item of urgent business concerning various issues in relation to this meeting, in order to ensure that correct procedures were followed.

#### a) Procedure for Advising of Outcome of Committee Deliberations

In view of previous leaks of information to the local media about cases considered by this Committee, it was suggested that the outcome of the Committee's consideration of agenda item 8, "Complaint Against a Councillor: To Consider the Investigator's Findings", be telephoned through to the parties concerned immediately after the meeting.

The Monitoring Officer advised that there was a formal procedure to be followed for advising parties of the Committee's decision, so this would not be appropriate.

#### b) Recording of Proceedings

A request was made that the proceedings be recorded on a portable voice recorder. In reply, the Monitoring Officer advised that this would be constitutionally inappropriate. In addition, investigations were being made by the relevant authorities in to previous leaks of information relating to matters considered at Standards Committee meetings, so it would not be appropriate to create such a record of this meeting.

Members noted the position, but some dissatisfaction was expressed.

#### c) Investigator for Complaint Against a Councillor

In response to an enquiry in to why the Investigator appointed by the Council to undertake the investigation referred to in agenda item 8, "Complaint Against a Councillor: To Consider the Investigator's Findings", was not at the meeting, the Monitoring Officer reminded the Committee that it had been agreed that he would not be present at this meeting.

A Member advised the meeting that he previously had requested information on the background of the Investigator referred to above. The Monitoring Officer reminded the Member that the Director for Change and Programme Management had responded to this request, advising that this information was available through the Standards for England website.

#### 35. MINUTES OF PREVIOUS MEETING

The Committee received and considered the minutes of its meeting held on 23 November 2011.

The following points were noted:-

- Although producing the minutes of meetings in advance of agendas was welcomed, it would be useful to include the minutes in the agenda for the next meeting;
- The Committee concurred with the concern raised under minute 25, "Minutes of Previous Meeting – Any Other Urgent Business", related to the publishing of the minutes on the Council's website;
- Work on the report on Social Networking was progressing. (Minute 25, "Minutes of Previous Meeting – Social Networking", referred);
- The present Standards regime would now continue until July 2012. A new post of City Solicitor and Head of Standards would be established at the City Council, so discussion on the future of the Standards framework for Leicester would be progressed when this appointment had been made. (Minute 27, "Standards Framework The Future", referred.) The Committee expressed concern that local authorities would have no support once Standards for England ceased operating on 31 January 2012;
- The Acting City Solicitor, in his capacity as Monitoring Officer, suggested that there be a short delay in bringing back to the Committee a report on the arrangements the Council needed to make for the new standards regime that would be coming in to force, (now in July), under the Localism Act 2011. This was due to extreme pressure of work following the departure of the previous Monitoring Officer as a result of the outcome of the Council's senior management review; and
- Current disciplinary arrangements for officers at all levels would be reported to a future meeting of the Committee. (Minute 28, "Matter Referred from Audit and Risk Committee", referred).

#### **RESOLVED:**

- 1) that, in future, the minutes of each meeting of this Committee be included in the agenda for its following meeting; and
- 2) that the minutes of the meeting held on 23 November 2011 be approved as a correct record, subject to the fifth paragraph of the section of minute 25, "Minutes of Previous Meeting", relating to "Any Other Urgent Business B1" being amended as follows (new text shown in italics):-

"Members raised concern that <del>public</del> minutes <del>were required</del> of private reports *were published on the Council's website* ..."

# 36. LOCAL ASSESSMENT OF COMPLAINTS - SUMMARY JULY 2011 TO DECEMBER 2011

#### **RESOLVED:-**

That the report on the number and progress of complaints against Councillors received during the period July – December

#### 2011 be noted.

#### 37. PROBITY TRAINING FOR PLANNING OFFICERS

The Monitoring Officer reported that probity training had been given to planning officers. This was in response to consideration at the last meeting of this Committee of a matter referred from the Audit and Risk Committee regarding Member involvement in staff disciplinary matters. The training had been well received by the officers concerned.

Further opportunities to undertake this training would be available for those officers who missed the initial sessions. It was possible that these could be given by a different officer, as the current Monitoring Officer would be fulfilling that role until the end of February, following which a different officer was due to take on the role. The Committee expressed a preference for continuity in the role, as the knowledge and experience gained and held by that officer was valuable to committee members.

#### **RESOLVED:**

that the Monitoring Officer be requested to raise the Committee's concern about the current process for filling the Monitoring Officer role with the Chief Operating Officer and ask the Chief Operating Officer to discuss the situation with the Chair of this Committee.

#### 38. PRIVATE SESSION

#### **RESOLVED:**

that the press and public be excluded during consideration of the following report in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because it involves the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act and, taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information:

#### Paragraph 1

Information relating to any individual

#### Paragraph 2

Information which is likely to reveal the identity of an individual

#### Paragraph 7(c)

The deliberations of a Standards Committee or other Sub-Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act, 2000 in reaching any finding on a matter referred under the provisions of Section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

## 39. COMPLAINT AGAINST A COUNCILLOR: TO CONSIDER THE INVESTIGATOR'S FINDINGS

The Monitoring Officer submitted a report that asked the Committee to determine whether an Investigator's report in to a complaint against a Councillor should be referred to a Hearing or to the First Tier Tribunal.

Members were reminded by the Monitoring Officer that disclosure of the information contained in this report was a criminal offence and noted that consideration currently was being given to whether previous disclosures of information to the media about complaints made against Councillors should be investigated further by the Police.

It was questioned whether, in view of the profile of this case, it would be appropriate to refer it to a First Tier Tribunal, in order that its consideration could be as objective as possible. In reply, the Monitoring Officer advised that guidance on these tribunals indicated that cases should only be referred to a First Tier Tribunal if the Committee felt that it did not have sufficient power of sanction. The Monitoring Officer also advised that he had spoken to the Tribunal about the case. They had replied that, given the Committee's power of sanction, it did not see the need for referral. Having considered the facts of this case, the Committee agreed that it did have sufficient power of sanction and that referring the case could delay its consideration.

Having given the matter full and detailed consideration, including mitigating factors identified in the report, and, having considered the advice received from the Monitoring Officer, the Committee resolved as set out below.

#### **RESOLVED:**

- that the Monitoring Officer's actions in referring concerns about previous disclosures of information to the media about complaints made against Councillors to the Police be endorsed;
- 2) that the Investigator's report regarding a complaint against a Councillor be accepted and referred to a Hearing in accordance with Standards for England guidance.

#### 40. CLOSE OF MEETING

The meeting closed at 7.0 pm



# Leicester City Council

#### **SECOND DESPATCH**

# STANDARDS COMMITTEE - 7 MARCH 2012

#### **ADDITIONAL INFORMATION**

Further to the agenda for the above meeting which has already been circulated, please find attached the following:-

#### 4. STANDARDS FRAMEWORK - THE FUTURE

Please find attached a draft report from the Monitoring Officer in relation to this item.

Elaine Baker Democratic Support Internal 39 8806 External (0116) 229 8806





#### FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

STANDARDS COMMITTEE (INFORMAL DISCUSSION)
STANDARDS COMMITTEE
EXECUTIVE?
COUNCIL

7<sup>TH</sup> MARCH 2012 10<sup>TH</sup> MAY 2012 JUNE JUNE

#### **IMPLEMENTATION OF NEW STANDARDS ARRANGEMENTS**

#### **Report of the Monitoring Officer**

#### 1. PURPOSE OF REPORT

- 1.1. To inform the Committee and thereafter the Executive and Council of the new standards arrangements that the Council is required to put in place following the coming into force of the Localism Act 2011.
- 1.2. This report is initially being circulated as a draft for discussion purposes at the 7<sup>th</sup> March Standards Committee meeting.

#### 2. **RECOMMENDATIONS**

2.1. That the Standards Committee consider this report to enable the Monitoring Officer to produce a final report for consideration by the Committee's May meeting.

#### 3. REPORT

- 3.1. The Localism Act 2011 (the "Act") received Royal Assent on 15<sup>th</sup> November 2011. It is the Coalition Government's flagship piece of legislation in relation to local government. Amongst other things the Act has the effect of dismantling the existing "ethical standards framework" established by the Local Government Act 2000. Once the Act has been brought into force it will mean that:
  - A duty is placed on the Council to ensure that all members and any co-opted members maintain high standards of conduct.
  - The Council will be required to adopt a code of conduct which is consistent with the Nolan Principles relating to standards in public life (selflessness, integrity, objectivity, accountability, openness, honesty and leadership).

- Require the Council to put in place new arrangements for investigating and taking decisions on complaints that relate to members.
- A criminal offence is created dealing with the requirement that members will have of registering in the members' register of interests all discloseable pecuniary interests.
- 3.2. The Act abolishes Standards for England. Its regulatory function ceased on 31<sup>st</sup> January. Final abolition takes place on 31<sup>st</sup> March.
- 3.3. The Government have indicated that the new standards arrangements will come into effect on 1<sup>st</sup> July. Originally this date was to have been 1<sup>st</sup> April. The Government though have recognised that introduction of these provisions in such a short timescale would be problematical for local authorities.
- 3.4. The new date, though, of 1<sup>st</sup> July means that apart from abolition of Standards for England all the remaining local elements of the current standard's regime now remain in force until 30<sup>th</sup> June. On this basis it is recommended that the Council's existing standards arrangements are kept in place until 30<sup>th</sup> June. Annual Council (Democratic Services Officer checking if this is required) at its meeting in May will be asked to continue the existing membership of the Standard's Committee and that the current independent members of the Standards Committee will retain their positions until 30<sup>th</sup> June.

#### **Retaining the Standards Committee**

- 3.5. Under the Localism Act there will no longer be a requirement for a Standards Committee. As though there will still be a need to deal with standards issues it will be necessary to retain a committee to deal with this and the recommendation is that a standing Standards Committee will be required. Any new Committee will no longer be required to have any independent members. The current co-opted independent members will cease to hold office. A new category of "independent Persons" is created by the Localism Act. A Counsel's opinion has been obtained by the Association of Council Secretaries and Solicitors (ACSeS) that confirms that existing independent members will not be able to be reappointed as independent persons.
- 3.6. There will be changes to the composition of any new Standards Committee. The political balance provisions will apply but the current restriction that only allows one member of the executive to serve on the Committee will no longer be applicable. Revised terms of reference though will be required. The optimum size in terms of membership will also need to be considered.

#### A new Code of Conduct

- 3.7. The Council will be required to have a new code of conduct which will have to be consistent with the 7 principles of public life adopted by the former Nolan Committee (see previous). The Council had a discretion as to what to include within its new code of conduct provided it is consistent with the 7 principles. It would seem that the staring point of any new code will be the first part of the Councils current code. The details though in the second part of the code (dealing with interests) and the third part (dealing with registration of members interests) need to take into account the new provisions of the Localism Act.
- 3.8. The Act refers to, amongst other things, "discloseable pecuniary interests" (DPI's). These are likely to be the subject of further regulations which the Government have yet to publish.

It is considered likely that these DPI's broadly will equate to current prejudicial interests. The provisions of the Act also require the Council's code to contain appropriate requirements for the registration and disclosure of other pecuniary interests and non-pecuniary interests. The result means that at this stage it is not possible to draft code provisions that reflect the definition of DPI's.

3.9. It is likely that ACSeS in consultation with the Local Government Association are likely to circulate a standard draft code of conduct. The Monitoring Officer will liaise with colleagues in authorities in Leicestershire and Rutland with a view to ensuring that wherever possible any new final code adopted by the City Council is consistent with codes being adopted in neighboring authorities.

# <u>Investigation and decisions on allegations of failure to comply with the code of conduct</u>

- 3.10. The Council will need to have arrangements for this. Under the Act this must include the appointment of at least one "independent person" whose view must be sought before a decision is taken on any allegation which has been investigated. The independent person may also be involved at other stages of dealing with allegations by either the Council or any member who is the subject of any complaint.
- 3.11. One early issue that has been picked up by other local authorities is that it is likely that one independent person for an authority the size of Leicester is probably not going to be sufficient. By way of an example the opportunity for the independent person to express a view would make it difficult if there was only one independent person and both "sides" to any dispute wished to consult.
- 3.12. Independent persons are to be appointed following public advertisement and so the appointment process will be similar to the process that has been adopted with regard to the appointment by the Council of the current independent members.
- 3.13. In terms of numbers of independent persons it is suggested to avoid the problem of conflict of interest arising that three people be appointed.
- 3.14. The point has been made above with regard to the fact that current independent members may not be the future designated independent person. Note, however, that current independent members would not appear to be excluded from being appointed to the role of designated independent person in any neighboring authority. It is understood that the other district councils in Leicestershire are moving towards appointing a pool of approximately 6-10 independent persons to be available on a County wide and Rutland basis.
- 3.15. With regard to the issue of any payment of allowances to the Independent Person, it is important to note that the individual concerned will not be a member of the Council. Therefore any remuneration level will not come within the scheme of members allowances and so can be determined without reference to the Council's independent remuneration panel. In terms of setting any remuneration the role is substantially different to that undertaken by current independent members. While the Independent Person may be invited to attend future meetings of the Standards Committee, they will not be able to chair the meeting. It is suggested that, before any final decision is taken on any remuneration, consideration is given to the function and its likely role in the Leicester context.

#### **Dealing with misconduct complaints**

- 3.16. The Act requires that the Council adopts "arrangements" for dealing with complaints of breaches of its code of conduct. These arrangements will need to set out in detail the process for dealing with complaints of misconduct and the action which may be taken against any member who is found to have failed to comply with the code.
- 3.17. The Council will no longer be required to have an Assessment Sub-Committee or a Review Sub-Committee. It is suggested that parts of the existing standards regime operated by the Council are retained, eg complaints about member conduct should continue to be made in writing to the Monitoring Officer. It is also suggested that advantage is taken of the new flexibility to delegate to the Monitoring Officer the initial decision as to whether or not any complaint requires investigation (subject to consultation with the independent person). Delegation could be total or in certain circumstances require the Monitoring Officer to report to the Standards Committee for the Committee to take a decision as to whether or not a complaint should be investigated. This might apply where the Monitoring Officer has already advised the member in relation to the issues that are the subject of the complaint or the complaint is particularly sensitive or it relates to a senior member.
- 3.18. Delegation to the Monitoring Officer would also enable the Monitoring Officer to seek to try and resolve a matter informally before taking any decision on whether the complaint should be the subject of any formal investigation.
- 3.19. Appropriate checks and balances would need to be put in place with regard to delegation to the Monitoring Officer and it is envisaged that the Monitoring Officer would report back to the future Standards Committee say on a quarterly basis indicating the action(s) he/she had taken.

#### **Possible Complaint outcomes**

- 3.20. The Act does not give any power to impose current sanctions available such as suspension or a requirement for training or the giving of an apology. So under the new regime, where a failure to comply with the code of conduct has been found, the sanctions available that the Council can take are limited and must be directed to securing the ability of the council to continue to discharge its functions effectively the focus is no longer "punishment" of the member concerned. Possible sanctions that will be available will include
  - To Report on findings to full Council i.e. "naming and shaming".
  - Recommendation to a group leader that the member concerned be removed from any committee or sub-committee. For non-group members this decision would be one for full Council.
  - In relation to any members of the executive a recommendation to the City Mayor that the member concerned be removed from the Executive.
  - Instructing the Monitoring Officer to arrange appropriate training for the member concerned.
  - Recommendation of removal of any member concerned from any outside body appointments.

- Withdrawal of Council facilities e.g. use of computer or internet.
- Excluding a member from the Council's offices or other premises except for the purpose of attending formal meetings.
- 3.21. The Act does not require any arrangements to put into place any appeals mechanism against any future member code of conduct breach decisions (this would not stop the Council having an internal appeals mechanism). This means that any decision taken by the Standards Committee or Monitoring Officer would be open to Judicial Review either on the basis that the decision taken was unreasonable or was taken improperly or sought to impose a sanction which the Council had now power to impose.

#### **Registration of members interests**

- 3.22. Under the Act the Monitoring Officer will be required to establish and maintain a register of members' interests. It will be for the Council to determine what information should be provided as long as it complies with the Act.
- 3.23. As with the current register, the Monitoring Officer will be required to ensure that the register is available for inspection by the public and is published on the Council's website. It will be possible to omit any information that is deemed to be sensitive, for example could lead to a member being subjected to violence or intimidation.
- 3.24. The Act abolishes the concept of personal and prejudicial interests but as indicated above replaces them by "Discloseable Pecuniary Interests". As also mentioned previously this is yet to be defined by Regulations. It is being suggested that these will be broadly similar to the current Prejudicial Interests.
- 3.25. Within 28 days of taking office a member will be required to notify the Monitoring Officer of any disclosed pecuniary interests belonging to themselves and where know of their spouses or civil partners or someone living with the member in a similar capacity.
- 3.26. Registration of any other pecuniary or non pecuniary interests will also be required.

#### Disclosure of interests at meetings

- 3.27. Where a member is present at any Council meeting or is being asked to discharge a function alone or is discharging a function in any way and the matter involves the discloseable pecuniary interest that the member has previously registered, then the member concerned may not participate or vote on the matter and must withdraw from the meeting. The only exception will be if the member has a dispensation. If the interest has arisen but is not already entered on the register, the member concerned should disclose the interest to the meeting (provided it is not sensitive) and thereafter provide notification of the interest to the Monitoring Officer but in 28 days so it can be included in the register of interests.
- 3.28. In a change from the current requirements where a member has registered a DPI s/he need not make a declaration about the interest at the start of any meeting.

#### Offences

3.29. It is an offence without reasonable excuse to fail to provide notification of a discloseable pecuniary interest; fail to disclose an interest not registered; participate or vote when prohibited; and knowingly or recklessly providing information within the notification which is false or misleading. Prosecution can only be brought by or on behalf of the Director of Public Prosecutions and on conviction the court may oppose a fine (£5k) and/ or disqualify the member from office for up to five years.

#### **Sensitive interests**

3.30. The Act effectively re-enacts the current code of conduct provisions in this regard. So where a member is concerned that disclosure of the detail of their interest (either a. discloseable pecuniary interest or any other interest which the member will be required to disclose) at a meeting or on the register of members interests would lead to the member or any person connected with him/her being subject to violence or intimidation, then s/he may request the Monitoring Officer to agree that the interest is "sensitive". If the Monitoring Officer agrees the member then really has to disclose the existence of the interest rather than the detail of it at any meeting and in terms of what is registered the Monitoring Officer can exclude the detail from the published version of the register of members' interests.

#### **Dispensations**

- 3.31. The Localism Act makes some significant changes to the current provisions of dispensations. Under the Act a dispensation will be available in the following circumstances:
  - That so many members of the decision making body have DPIs in a matter that it would "impede the transaction of the business".
  - That without the dispensation the representation of different political groups on the decision making body transacting the business would be so upset as to alter the outcome of any vote on the matter.
  - That the Council considers that the dispensation is in the interests of the persons living in the Council's area.
  - That the Council considers that it is otherwise appropriate to grant a dispensation.
- 3.32. Any grant of dispensation will be for a specified period but in any event can only last for up to a maximum of four years. Previously dispensations were given by the Standards Committee but under the Act there is discretion for the power to be delegated not only to a Committee, but also to a sub-committee or the Monitoring Officer.

#### **Transitional arrangements**

- 3.33. Regulations are anticipated to govern the period following cessation of referral of complaints to Standards for England to the start of the new arrangements in the Council.
- 3.34. It is appreciated that this report contains quite a lot of detail but that in turn a lot of detail is not yet available as it requires Regulations that the government have yet to issue or consult on.

- 3.35. The new regime required by the Localism Act will include:
  - A new code of conduct.
  - New arrangements for dealing with complaints about potential breaches of the code of conduct
  - A new register of members' interests will be required.
  - The Council will need to recruit new independent persons.

## 4. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

#### 4.1. Financial Implications

None

#### 4.2. Legal Implications

The Council has to put in place the appropriate arrangements in order to comply with the provisions of the Localism Act 2011 in relation to standards issues.

#### 4.3. Climate Change Implications

None

#### 5. OTHER IMPLICATIONS

| OTHER IMPLICATIONS            | YES/<br>NO | Paragraph/References Within the Report |
|-------------------------------|------------|--|
| Equal Opportunities           | No         |  |
| Policy                        | No         |  |
| Sustainable and Environmental | No         |  |
| Crime and Disorder            | No         |  |
| Human Rights Act              | No         |  |
| Elderly/People on Low Income  | No         |  |
| Corporate Parenting           | No         |  |
| Health Inequalities Impact    | No         |  |

#### 6. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

#### 6.1. Previous reports / discussion at the Standards Committee

## 7. CONSULTATIONS

7.1.

## 8. REPORT AUTHOR

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AJC/JC/26