

REPORT TO: Standards Committee
DATE: 17th July 2012
REPORTING OFFICER: Operational Director Legal and Democratic Services/Monitoring Officer
SUBJECT: Standards Committee – Current Issues
WARDS N/A

1.0 PURPOSE OF THE REPORT

1.1 To advise the Committee of important changes to legislation, and invite recommendations to Council to ensure that Halton’s Standards Regime is fit for purpose

2.0 RECOMMENDATIONS: That

- 1) Members note the current position with regard to membership of the Standards Committee and that the position be referred to Council for information and approval;**
- 2) The Members note the position with regard to the recruitment of independent persons and that a recommendation be made to Council for the approval of up to three independent persons with names to be supplied;**
- 3) The Committee reaffirms the arrangements for dealing with complaints contained in Appendix 2 to this Report, and refers them to Council for approval; and**
- 4) The Committee notes that, following approval of a new Code of Conduct by the Council, the Monitoring Officer will take steps to comply with the requirements of the Localism Act 2011.**

3.0 SUPPORTING INFORMATION

3.1 Members will be aware that a detailed report was submitted to Council on 18th April 2012 setting out important changes to the Standards Regime. The Council resolution is contained in Appendix 1 to this Report.

3.2 Furthermore, Council on 18th April 2012 approved arrangements for dealing with complaints, which are contained in Appendix 2. As a result of a subsequent

commencement order, those arrangements now need to be referred to the Standards Committee for further approval and subsequent adoption by Council. The arrangements have previously been considered in detail by Executive Board prior to submission to the Council meeting in April.

- 3.3 Council asked that the Monitoring Officer prepare a revised Code of Conduct taking account of forthcoming regulations dealing with Declarable Pecuniary Interests. The draft code appears elsewhere upon this Agenda, and will form the basis of a recommendation to Council. Once a new code has been adopted, the Monitoring Officer will take steps to ensure that Members' Declarations of Interests are maintained and publicised as required in the Act, including on the Council's web-site. The same requirement will apply to Parish Councils, and the finally adopted Code will be provided to them with the recommendation that it be adopted unchanged. They are also required to arrange for publication of Members' interests. This has to be done on the Council's web-site if Parishes do not have their own.
- 3.4 There has been a significant change to the provisions regarding independent persons, contained in recently enacted transitional provisions. Whilst it remains the case that a person applying to be an independent person could not be a Councillor, Co-opted Member or Officer of the Council or a Parish or Town Council within the area, or a relative or close friend of such a person, an important change has been put in place. Councils can now appoint as an independent person an individual who is not a Member or Co-opted Member of the Standards Committee on 1st July 2012, but who has held such a post during the five years ending 30th June 2012, provided that the appointment is made before 1st July 2013. This means that the individuals who have recently stood down as independent members of the old Standards Committee are free to apply to be independent persons if they so wish. This is considered to be an extremely positive development. The vacancy has now been advertised, with a closing date of 11th July 2012. Information will be brought to Members on the up to date position at the Meeting on 17th July, and appropriate arrangements will be put in place for applications to be considered and a recommendation made to Council on 18th July for the appointment of up to three independent persons. The commencement order was brought into force at short notice, requiring new arrangements to be put in place by 1st July 2012 or as soon as possible thereafter.
- 3.5 Two of the previous Independent Members of the old Standards Committee had indicated a willingness to be considered for co-option onto the new committee as non-voting members. Of course, it may well be the case that they would be interested in being considered for the new role of independent person. If that were to happen, then there would remain vacancies for two co-opted non-voting members of this committee. That is considered to be less serious than having vacancies for independent persons, which position is a new statutory requirement.

3.6 Furthermore, the Parish Councils within the Borough have been invited to submit names for consideration of co-option to the committee. To date, no nominations have been put forward.

3.7 The Committee is therefore asked to note the current position. There is no legal requirement to have co-opted members nor indeed Parish Council Members. Therefore, it is requested that Council be informed of the current position, and to reaffirm the decision to proceed with a Standards Committee comprising of nine elected members, noting current vacancies for co-opted members.

4.0 POLICY IMPLICATIONS

4.1 The Localism Act 2011 requires Council to have in place a Code of Conduct, arrangements for dealing with complaints, and an appropriate register of Members Interests.

5.0 OTHER IMPLICATIONS

5.1 None

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and young people in Halton

None

6.2 **Employment Learning and skills in Halton**

None

6.3 **A Healthy Halton**

None

6.4 **A Safer Halton**

None

6.5 **Halton's Urban Renewal**

None

7.0 RISK ANALYSIS

7.1 The Council would be exposed to significant risk should it fail to comply with the provisions of the Localism Act 2011.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 The Report of itself does not contain specific Equality and Diversity issues

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

9.1 None