

Gloucester City Council

Meeting:	Audit and Governance Committee	Date:	24 June 2013
Subject:	Review of the Council's Standards Arrangements		
Report Of:	Monitoring Officer		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
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Appendices:	1. Gloucester City Council Code of Conduct; 2. Arrangements for dealing with standards allegations under the Localism Act 2011.		

1.0 Purpose of Report

To review the operation of the Council's standards arrangements.

2.0 Recommendations

2.1 The Audit and Governance Committee is asked to **RESOLVE:**

(a) That the report be noted; and

(b) Following consideration of the report, to make any other recommendations it wishes to make.

3.0 Background and Key Issues

3.1 The Localism Act 2011 (the "Act") made fundamental changes to the system of regulation of standards of conduct for elected and co-opted Councillors and these changes were implemented on 1 July 2012. The duty which already applied to local authorities to promote and maintain high standards of conduct for elected and co-opted members was retained in the Act.

3.2 The Act requires the Council to adopt "arrangements" for dealing with complaints of breach of Code of Conduct both by City Council Members and by Parish Council Members, and such complaints can only be dealt with in accordance with such "arrangements". The Council adopted its Code of Conduct and its arrangements for dealing with complaints of breaches of the Code of Conduct at its meeting on 19 July 2012. A copy of the adopted Code of Conduct is set out in Appendix 1 and a copy of the standards arrangements adopted is set out at Appendix 2.

- 3.3 Since the adoption of the Code of Conduct and standards arrangements in 2012, no complaints about failure to comply with the relevant Code of Conduct have been made against either Gloucester City Councillors or Quedgeley Parish Councillors. The provisions of the Code and the arrangements have not, therefore, been tested.
- 3.4 Notwithstanding the lack of complaints, there is a minor issue that has been identified in the course of updating and revising the documents for inclusion in the Constitution. Under Section 28(7) of the Localism Act 2011, the Council must seek the views of its Independent Person and take their views into account before it makes a decision on any allegation that it has decided to investigate. However, under paragraph 4.01 of the Council's standards arrangements, the Monitoring Officer is required to consult with the Independent Person on every complaint received, whether or not these complaints are investigated.
- 3.5 The legislation does not require consultation with the Independent Person for every complaint and it is a matter for the authority to decide whether or not it would wish to take the views of the Independent Person into account for every complaint made. As the Council currently only has one appointed Independent Person, the requirement to consult with the Independent Person for all complaints could lead to a delay in dealing with complaints. The Committee is asked to consider paragraph 4.01 of the standards arrangements and whether or not it would wish to remove the requirement to consult with the Independent Person for all complaints.
- 3.6 As mentioned in paragraph 3.5 above, the Council has only appointed one Independent Person due to a lack of applicants and since July 2012, there has been no need to consult them. Council did approve the appointment of 3 Independent Persons – 1 main + 2 reserve. It is not considered at this stage that there is a need to seek the appointment of the remaining 2 Independent Persons, given the level of Code of Conduct complaints. However, the situation will be kept under review and, if a need to make further appointments emerges, Officers will advertise the posts and seek suitable applications.
- 3.7 Although there have been no local elections this year, as a matter of good practice, Members should be asked to update their register of interests to ensure that they remain compliant with the Council's Code and the legislation. Forms will be sent to Members shortly for completion and return to the Monitoring officer. Guidance will be provided to Members on how to complete the various parts of the form to ensure that interests are declared correctly.

4.0 Alternative Options Considered

- 4.1 The Council has a wide discretion as to the arrangements it makes for dealing with alleged breaches of its Code of Conduct, provided that the arrangements comply with Human Rights legislation, the rules of natural justice and administrative law. The Council cannot choose not to make arrangements for dealing with Code of Conduct complaints without breaching the Localism Act 2011.

5.0 Reasons for Recommendations

- 5.1 Under the Localism Act 2011, the Council is required to adopt a Code of Conduct and to make arrangements for dealing with breaches of the Code under the Code for both itself and Parish Councils.

6.0 Future Work and Conclusions

- 6.1 The Council needs to keep its standards arrangements under review. If and when any complaints about Member conduct are received and the Council's standards arrangements are put into use, unforeseen practical issues may arise and it may then be appropriate to develop the Council's standards arrangements further.

7.0 Financial Implications

- 7.1 There are no financial implications arising from this report.

(Financial Services have not been consulted in the preparation this report.)

8.0 Legal Implications

- 8.1 Under the Localism Act 2011, the Council is required to adopt a Code of Conduct and to make arrangements for dealing with breaches of the Code under the Code for both itself and Parish Councils.

(Legal Services have been consulted in the preparation this report.)

9.0 Risk & Opportunity Management Implications

- 9.1 Regular consideration of complaints enables the Council to ensure that its governance arrangements are appropriate and up-to-date.

10.0 People Impact Assessment (PIA):

- 10.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

11.0 Other Corporate Implications

Community Safety

- 11.1 There are no community safety implications.

Sustainability

- 11.2 There are no sustainability implications.

Staffing & Trade Union

- 11.3 There are no staffing implications.

Background Documents: None.