

# AGENDA



For a meeting of the
<b>STANDARDS COMMITTEE</b>
to be held on
<b>FRIDAY, 1 JULY 2011</b>
at
<b>2.30 PM</b>
in the
<b>WITHAM ROOM, COUNCIL OFFICES, ST. PETER'S HILL, GRANTHAM</b>
<b>Beverly Agass, Chief Executive</b>

Committee Members:	Councillor Harrish Bisnauthsing, Councillor Alan Davidson, Mr. Chris Holtom CBE. - Independent Lay-Member (Chairman), Councillor Vic Kerr, Mr. Fred Mann - Independent Lay-Member (Vice-Chairman) and Councillor David Nalson
	Two parish representative to be appointed
Committee Support Officer:	Jo Toomey (01476 40 61 52) j.toomey@southkesteven.gov.uk

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

**1. MEMBERSHIP**

A parish representative to be appointed.

**2. APOLOGIES**

**3. DECLARATIONS OF INTEREST**

Members are asked to declare interests in matters for consideration at the meeting.

**4. MINUTES OF THE MEETING HELD ON FRIDAY 4 MARCH 2011**

*(Enclosure)*

**5. INTRODUCTION TO THE STANDARDS COMMITTEE**

*(Enclosure)*

**6. STANDARDS COMMITTEE - ANNUAL REPORT TO COUNCIL**

Report number LDS027 by the Chairman of the Committee. *(Enclosure)*

**7. APPLICATIONS FOR DISPENSATION BY THE STANDARDS COMMITTEE**

No applications had been received at the time of agenda preparation.

**8. SITUATION REPORT - ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT**

**9. ANY OTHER BUSINESS, WHICH THE CHAIRMAN, BY REASONS OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT**

# MINUTES

**STANDARDS COMMITTEE  
FRIDAY, 4 MARCH 2011**



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## COMMITTEE MEMBERS PRESENT

Councillor Bob Adams  
Councillor Paul Cosham (Market  
Deeping Town Council)  
Mr. Chris Holtom CBE. - Independent  
Member (Chairman)  
Councillor Reg Lovelock MBE.

Mr. Fred Mann - Independent Member  
(Vice-Chairman)  
Councillor Andrew Moore  
Councillor Robert Rose (Thurlby Parish  
Council)  
Councillor Mike Williams

## OFFICERS

Head of Legal and Democratic Services  
(Lucy Youles)  
Principal Democracy Officer (Jo  
Toomey)  
Investigating Officer (Shelley Hardy)

## OTHER MEMBERS

Councillor Shirley Cliffe (Bourne TC)

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## 10. MEMBERSHIP

Councillors Cosham and Rose were appointed as parish representatives with voting rights for this meeting.

## 11. APOLOGIES

Apologies for absence were received from Councillors Winstone and Judge.

## 12. DECLARATIONS OF INTEREST

Councillor Cliffe declared a personal and prejudicial interest in agenda item 5 'consideration / hearing of complaint SCC/21340 having an interest in the investigation.

## 13. MINUTES OF THE MEETING HELD ON 3 SEPTEMBER 2010

The minutes of the meeting held on 3 September 2010 were approved as a correct record.

**14. APPLICATIONS FOR DISPENSATION BY THE STANDARDS COMMITTEE**

None received.

**15. SITUATION REPORT - ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT**

There was one outstanding complaint under investigation. It was likely another meeting would be called prior to the election to consider the report.

**16. CHAIRMAN'S REPORT ON THE LOCALISM BILL**

The Chairman advised the Committee that the Localism Bill, which was undergoing its second reading, would affect standards arrangements for all local authorities, including town and parish councils. The key elements of the Bill would see greater devolution of responsibilities to towns and parishes. The Bill recommends the abolition of the Standards Board for England and the removal of the national Code of Conduct. There was provision for districts to develop their own arrangements, with their own voluntary code and impose certain sanctions. The Bill would also make failing to register or declare interests a criminal offence.

Until the Bill is passed, South Kesteven needed to carry on the current standards regime. It was anticipated the Bill would be passed around November 2011. There would be a requirement to register interests at parish level and that, should a complaint be made, minutes and records could be used as evidence in legal proceedings. Provisions in the Bill would empower district, parish and town councils, providing opportunities for developing a local governance framework.

Members were concerned that without co-ordination from the district level, there would be a large number of regimes in the area that would all operate very differently. Generally Members felt that the current arrangements in South Kesteven worked well. They found the use of independent members was invaluable and the sub-committee process was effective. While members noted that investigations were completed to a very high standard, they were also acknowledged as being resource-intensive. Any new standards regime could include identifying ways to make investigations less resource-intensive. Members agreed that the public needed a means of recourse, and the opportunity for their complaint to be dealt with fairly.

It was proposed that the Committee submit a report to the full Council to explain the options that were available. Members agreed to hold a workshop session to shape the ideas that would form the report.

**Decision:**

**To hold a workshop of Standards Committee members to consider**

**the preparation of a report to the full Council.**

**17. CONSIDERATION / HEARING OF COMPLAINT SCC/21340**

The Chairman introduced the procedure for the consideration / hearing. He asked Members to confirm any declarations of interest. Councillor Cliffe declared a personal and prejudicial interest as she had an interest in the investigation.

The complainant did not attend the meeting, however, the respondent was present.

**Exclusion of the public**

**In accordance with Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting because of the likelihood, in view of the nature of the business to be transacted, that if members of the public were present, there would be a disclosure to them of exempt information as defined in paragraph 10 of part 1 of Schedule 12A (as amended)**

With the press and public excluded, the Monitoring Officer outlined the complaint and the findings of fact following the investigating officer's investigation. Members were advised that the allegations were investigated under the 2007 Code of Conduct. She confirmed it was not disputed that the Member was present at the meetings and declared a personal interest in an item for consideration; no prejudicial interest was declared. It remained in dispute whether the application under consideration may have had direct financial implications affecting the respondent.

The respondent confirmed that she did not comment or vote during consideration of this item. She did not believe she had a prejudicial interest. It was the view of the investigating officer that the application would affect a business leasing her son's property. The investigating officer concluded that in failing to declare a prejudicial interest, the respondent had failed to comply with the Code of Conduct.

Members then asked questions of the respondent to clarify any issues. The respondent had been a member on the Town Council for 36 years but had not received training on the Code of Conduct.

At 15:20, the respondent and investigating officer left the meeting.

Members considered report LDS017 by the investigating officer, along with discussions with the respondent. Referring to the Code of Conduct and the circumstances of the meeting, Members agreed with the recommendations of the investigating officer.

At 15:30, the investigating officer and respondent returned to the meeting.

On her return to the room, the Chairman asked the respondent about the allegations. The respondent stated that she should have declared a prejudicial interest and left the room, and apologised for not doing so.

At 15:31 the respondent and the investigating officer left the meeting.

The Committee discussed possible sanctions that would be appropriate. They noted the lack of training received by the respondent and her many years of public service.

At 15:39, the meeting went back into open session and the respondent and investigating officer returned to the meeting.

The Committee noted thanks to the investigating officer for her hard work and it was agreed that the investigating officer's report was no longer exempt. Those present were advised of the Committee's decision, as outlined below.

- 1. That Councillor Cliffe, in not declaring a prejudicial interest at the Planning and Highways Committee of Bourne Town Council held on the 12 October 2010 acted contrary to paragraph 10 of the 2007 Model Code of Conduct**
- 2. Because Councillor Cliffe remained in the meeting during the discussions of agenda item 7c and k that she also breached paragraph 12 of the Model Code of Conduct 2007, even though she did not participate in discussions or vote upon the matter.**

**The Standards Committee agreed with the report of the Investigating Officer (reference LDS017) that the Councillor should have declared a prejudicial interest in the planning application and left the meeting of the Bourne Town Council during the discussion relating to that planning application at its meeting on the 12<sup>th</sup> October 2010.**

**The Councillor declared a personal interest in the planning application because a family member was the landlord of a property running a similar business in Bourne to that proposed by the planning application. The Committee determined that interest was prejudicial because the opening of a similar business could have an adverse financial impact on the business of the premises owned by that family member and a member of the public knowing the relevant facts would reasonably consider that interest to be sufficiently significant that it is likely to prejudice the Councillor's judgement of the public interest.**

**The Committee noted that the Councillor did not speak or vote at the meeting during the deliberation relating to the planning application. She also acknowledged she should have declared a**

**prejudicial interest and left the room. She apologised for her failure to do so.**

**The Committee found that the Councillors comments to the Stamford Mercury took place after the meeting and, therefore, were not relevant and had no bearing on the recommendation made by Bourne Town Council relating to the planning application.**

**The Committee, taking into account the apology made by the Councillor and her recognition of her failure to comply with the Members' Code of Conduct, determined no further action need be taken in respect of her failure to comply with Members' Code of Conduct.**

#### **18. ANY OTHER BUSINESS**

The Chairman thanked Members of the current district town and parish councils for their work on the Standards Committee. He offered his gratitude to Councillors Moore and Lovelock who confirmed they would not be standing at the next election and congratulated Councillor Lovelock on 63 continuous years of public service as both an officer and Member.

#### **19. CLOSE OF MEETING**

The meeting was closed at 15:44.

## SOUTH KESTEVEN DISTRICT COUNCIL

### STANDARDS COMMITTEE

#### PROCEDURE FOR CONSIDERATION AND HEARINGS OF INVESTIGATIONS

##### 1. Interpretation

- (a) 'Member' means the member of the District or Parish Council who is the subject of the allegation being considered by the Committee, unless stated otherwise. It also includes the member's nominated representative.
- (b) 'Investigator' means. The person appointed by the Monitoring Officer to undertake that investigation (which may include the Monitoring Officer and his or her nominated representative). In the case of matters referred to the Standards Board for investigation it shall mean the Ethical Standards Officer nominated by the Standards Board to investigate the matter
- (c) 'The Matter' is the subject matter of the Investigator's report.
- (d) 'The Committee' refers to the Standards Committee or to any Standards Sub-Committee to which it has delegated the conduct of the hearing.
- (e) 'The Committee Support Officer' means an officer of the authority responsible for supporting the Committee's discharge of its functions and recording the decisions of the Committee.
- (f) 'Legal Advisor' means the officer responsible for providing legal advice to the Committee. This may be the Monitoring Officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.
- (g) 'The Chairman' refers to the person presiding at the hearing.
- (h) "The Complainant" means the persons who made the complaint about the Member.

##### 2. Modification of Procedure

The Chairman may agree to vary this procedure in any particular instance where he/she is of the opinion that such a variation is necessary in the interests of fairness.

3. **Representation**

The Member may be represented or accompanied during the meeting by a solicitor, counsel or, with the permission of the committee, another person. Note that the cost of such representation must be met by the member unless the Committee has expressly agreed to meet all or any part of that cost.

4. **Legal Advice**

The Committee may take legal advice from its Legal Advisor at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Committee should be shared with the Member, Complainant and the Investigator if they are present.

5. **Investigator's report**

The Investigator will prepare a report of his/her investigation in accordance with the Standards Board guidance on investigations from time to time in place. The report will be sent to the Committee in confidence to be considered at the next meeting of the Committee. The Complainant and the Member will be informed of the date time and place of the meeting of the Committee at which the report is to be considered. The Complainant, Investigator and the Member will be invited to attend at that meeting

6. **Commencement of the meeting**

At the start of the meeting of the Committee at which a report is to be considered, the Chairman shall introduce each of the members of the Committee, the Member (if present), the Investigator (if present), the Complainant (if present) and any other officers present, and shall then explain the procedure which the Committee will follow in the conduct of the consideration of the matter and a hearing.

.7. **Preliminary procedural issues**

The Committee shall then deal with the following preliminary procedural matters in the following order:

(a) Disclosures of interest

The Chairman shall ask members of the Committee to disclose the existence and nature of any personal or prejudicial interests which they have in the matter, and to withdraw from consideration of the matter if so required.

(b) Quorum

The Chairman shall confirm that the Committee is quorate

8. **Consideration and hearing procedure**

The Chairman shall confirm that all present know the procedure which the Committee will follow in determining the matter.

(a) If the Member is not present at the start of the consideration of the matter:

(i) the Chairman shall ask the Monitoring Officer whether the Member has indicated his/her intention not to attend the meeting;

(ii) the Committee shall then consider any reasons which the member has provided for not attending the meeting and shall decide whether it is satisfied that there is sufficient reason for such failure to attend;

(iii) if the Committee is satisfied with such reasons, it shall proceed with the consideration of the report and if it considers a hearing into the matter is necessary, it shall adjourn that matter to another date if it considers the Member should be given further opportunity to attend;

(iv) if the Committee is not satisfied with such reasons, or if the Member has not given any such reasons, the Committee shall consider the matter, proceed with a hearing and make a determination in the absence of the Member or consider the matter and adjourn the hearing to another date.

(b) Exclusion of Press and Public

The Chairman shall proceed to ask the Committee to exclude the press and public from the meeting to allow the Committee to consider the report. The Member, the Complainant and their representative or friend and the Investigator are asked to remain for the pre-hearing consideration of the matter.

(c) Legal Advisor's Summary

The Chairman will ask the Legal Advisor or the Committee Support Officer to present his/her report, highlighting any points of difference in respect of which the Member has stated that he/she disagrees with any finding of fact in the Investigator's report.

(d) The Chairman will then ask the Member to confirm that this is an accurate summary of the issues and ask the Member to identify any additional points he or she wishes to raise and upon which

he/she disagrees with any finding of fact in the Investigator's report. The Complainant will be given a similar opportunity to raise any additional points not already raised.

- (e) The Investigator will be asked if he or she wishes to respond to any new information provided by either the Member or the Complainant.
- (f) The Complainant, Member and Investigating Officer will be asked to leave the meeting to allow the Committee the opportunity to consider all the information before it and determine how the matter should proceed. The Committee may call any party back to the meeting if clarification on any point is required during the consideration process.
- (g) Following consideration of the appropriate process, the Chairman will invite all parties, the public and press to join the meeting and announce to all present how the matter is to proceed. Provided there is no known reason to exclude the Investigator's report from publication, the Chairman will confirm the Investigator's report and the matter will be dealt with in public.

9. **Investigator's finding of no failure to comply with the Members' Code of Conduct**

- (i) If the Committee agree with the finding of the Investigator's report of no failure to comply with the Member's Code of Conduct, the Chairman will confirm this finding and provide reasons for not proceeding with a hearing into the Investigator's report. This will be the conclusion of such a matter.
- (ii) If the Committee do not agree with the finding of no failure to comply with the Members' Code of Conduct, the Chairman will confirm a hearing into the matter and proceed as detailed below.

10 **Investigator's finding of failure to comply with the Members' Code of Conduct**

- (i) If the Member admits that he/she has failed to comply with the Code of Conduct in the manner described in the Investigator's report, the Committee may then make a determination that the Member has failed to comply with the Code of Conduct in the manner described in the Investigator's report and proceed directly to consider whether any action should be taken (Paragraph 13 ).
- (ii) If the Member does not admit he/she has failed to comply with the Members' Code of Conduct and has not identified any

additional points of difference other than those already identified during the prehearing/consideration process, the Chairman will confirm the matter will proceed to a hearing.

- (iii) If the Member does not admit he/she has failed to comply with the Members' Code of Conduct and identifies additional points of difference, the Chairman shall ask the Member to explain why he/she did not identify these points as part of the pre-hearing process. He/she shall then ask the Investigator (if present) whether he/she is in a position to deal with those additional points of difference directly or through any witnesses who are in attendance or whose attendance at the hearing can conveniently be arranged. Where the Committee is not satisfied with the Member's reasons for failing to identify each additional point of difference as part of the pre-hearing process, it may decide that it will continue the hearing but without allowing the Member to challenge the veracity of those findings of fact which are set out in the Investigator's report but in respect of which the Member did not identify a point of difference as part of the pre-hearing process, or it may decide to adjourn the hearing to allow the Investigator and/or any additional witnesses to attend the hearing.

## 11 **Hearing Process**

The hearing may proceed at the same meeting of the Committee as the prehearing/consideration process provided the Member is present or, if not present, the Member has confirmed his intention not to attend the hearing process

- (a) Presenting the investigator's report
  - (i) If the Investigator is present, the Chairman will then ask the Investigator to present his/her report, having particular regard to any points of difference identified by the Member and why he/she concluded, on the basis of his/her findings of fact that the Member had failed to comply with the Code of Conduct. The Investigator may call witnesses as necessary to address any points of difference.
  - (ii) If the Investigator is not present, the Committee shall only conduct a hearing if they are satisfied that there are no substantial points of difference or that any points of difference can be satisfactorily resolved in the absence of the Investigator. In the absence of the Investigator, the Committee shall determine on the advice of the Monitoring Officer which witnesses, if any, to call. Where such witnesses are called, the Chairman shall draw the witnesses attention to any relevant section of the

investigator's report and ask the witness to confirm or correct the report and to provide any relevant evidence.

- (iii) No cross-examination shall be permitted but, at the conclusion of the Investigator's report and/or of the evidence of each witness, the Chairman shall ask the member of there are any matters upon which the Committee should seek the advice of the investigator or the witness.

(c) The Member's response

- (i) The Chairman shall then invite the Member to respond to the Investigator's report and to call any witnesses as necessary to address any points of difference.
- (ii) No cross-examination shall be permitted but, at the conclusion of the Member's evidence and/or of the evidence of each witness, the Chairman shall ask the Investigator if there are any matters upon which the Committee should seek the advice of the Member or the witness.

(d) Witnesses

- (i) The Committee shall be entitled to refuse to hear evidence from the Investigator, the Member or a witness unless they are satisfied that the witness is likely to give evidence which they need to hear in order to be able to determine whether there has been a failure to comply with the code of conduct.
- (ii) Any member of the Committee may address questions to the Investigator, to the Member or to any witness.

(e) The Complainant

If present, the Complainant will be asked by the Chairman if he or she has anything they may wish to say to assist the Committee with its deliberations

12. **Determination as to whether there was a failure to comply with the Code of Conduct.**

- (a) The Chairman shall ensure that each member of the Committee is satisfied that he/she has sufficient information to enable him/her to determine whether there has been a failure to comply with the code of conduct as set out in the Investigator's report.

- (b) Unless the determination merely confirms the Member's admission of a failure to comply with the Code of Conduct (as set out in Paragraph 10(i) above) the Chairman shall ask the Member, Complainant, Investigator, representatives, witnesses and members of the press and public to leave the room to consider in private whether the Member did fail to comply with the Code of Conduct as set out in the Investigator's report.
- (c) The Committee shall take its decision on the balance of probability based on the evidence which it has received at the hearing.
- (d) The Committee's function is to make a determination on the matter. It may, at any time, return to the main hearing room in order to seek additional evidence from the Investigator, the Member or a witness, or to seek the legal advice from or on behalf of the Monitoring Officer. If it requires any further information, it may adjourn and instruct an officer or request the member to produce such further evidence to the Committee.
- (e) At the conclusion of the Committee's consideration, the Committee shall consider whether it is minded to make any recommendations to the authority with a view to promoting high standards of conduct among members.
- (f) The Chairman shall invite those present to return to the main hearing room and the Chairman will state the Committee's principal findings of fact and their determination as to whether the Member failed to comply with the Code of Conduct as set out in the Investigator's report.
- (g) If the Committee determines that the Member has not failed to follow the Code of Conduct in the manner set out in the Investigator's report, the Chairman should then set out any recommendations which the Committee is minded to make to the authority with a view to promoting high standards of conduct among members and seek the views of the Member, the Investigator and the Legal Advisor before the Committee finalises any such recommendations;
- (h) If the Committee determines that the Member has failed to comply with the Code of Conduct in the manner set out in the Investigator's report, it will then proceed to consider whether it should impose any sanction in respect of the Member and what (if any) would be the appropriate sanction to impose.

**13. Action consequent upon a failure to comply with the Code of Conduct**

- (a) The Chairman shall ask the Investigator (if present, or otherwise the Legal Advisor) whether, in his/her opinion, the Member's failure to comply with the Code of Conduct is such that the Committee should impose a sanction and, if so, what would be the appropriate sanction.
- (b) The Chairman will then ask the Member to respond to the Investigator's advice.
- (c) The Chairman will then ensure that each member of the Committee is satisfied that he/she has sufficient information to enable him/her to take an informed decision as to whether to impose a sanction and (if appropriate) as to the form of the sanction.
- (d) Any member of the Committee may address questions to the Investigator or to the Member as necessary to enable him/her to take such an informed decision.
- (e) The Chairman should then set out any recommendations which the Committee is minded to make to the authority with a view to promoting high standards of conduct among members and seek the views of the Member, the Investigator and the Legal Adviser.
- (f) The Committee shall then retire to another room to consider in private whether to impose a sanction (where a sanction is to be imposed) what sanction to impose and when that sanction should take effect, and any recommendations which the Committee will make to the authority.
- (g) At the completion of their consideration, the Committee shall return to the main hearing room and the Chairman shall state the Committee's decisions as to whether to impose a sanction and (where a sanction is to be imposed) the nature of that sanction, and when it should take effect, together with the principal reasons for those decisions, and any recommendations which the Committee will make to the authority.

**14. The close of the hearing**

- (a) The Committee will announce its decision on the day of the hearing and provide the Committee Support Officer with a short written statement of their decision, which the Committee Support Officer will deliver to the Member as soon as practicable after the close of the hearing;
- (b) The Chairman will thank all those present who have contributed to the conduct of the hearing and formally close the hearing;
- (c) Following the close of the hearing, the Committee Support Officer will agree a formal written notice of the Committee's determination and shall arrange for the distribution and publication of that notice (or a summary of that notice, where required) in accordance with Regulation 20 of the Standards Committee (England) Regulations 2008.

SOUTH KESTEVEN DISTRICT COUNCIL  
STANDARDS COMMITTEE  
May 2009

## REPORT TO COUNCIL

**REPORT OF: MR. CHRIS HOLTOM – CHAIRMAN OF STANDARDS COMMITTEE**

**REPORT NO: LDS027**

**DATE: 7<sup>th</sup> July 2011**

<b>TITLE:</b>	STANDARDS COMMITTEE ANNUAL REPORT - 2010/11	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	N/A	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	Councillor Paul Carpenter – Engagement and Corporate Services	
<b>CONTACT OFFICER:</b>	Mrs. Lucy Youles - Head of Legal and Democratic Services (01476 406105; e-mail: l.youles@southkesteven.gov.uk	
<b>INITIAL IMPACT ASSESSMENT:</b>	Carried out and Referred to in paragraph (7) below: n/a	Full impact assessment Required: n/a
<b>Equality and Diversity</b>		
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Your Council and Democracy link on the Council’s website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	Members’ Code of Conduct 2007	

### 1. RECOMMENDATIONS

It is recommended:

- 1.1 Council note the report of the Chairman of the Standards Committee for the period April 2010 to March 2011 and raise any questions relating to the working of the Standards Committee.
- 1.2 Council acknowledge the proposed work of the Standards Committee to establish a standards regime in line with the provisions of the Localism Bill to present options for consideration by the Engagement Policy Development Group for recommendation of a way forward to Cabinet and to Council.

### 2. PURPOSE OF THE REPORT

The purpose of the report is to highlight to Council the work of the Standards Committee over the last year, detail issues and report on what can be expected in the coming year.

### 3. DETAILS OF REPORT

This report covers the period April 2010 to March 2011.

### **COMMITTEE MEETINGS**

The role of the Standards Committee is to promote, monitor and enforce probity and high ethical standards within the District, Town and Parish Councils of South Kesteven. The Committee met 4 times during the period covered by this report. In addition, the Assessment sub-committee of 3 members met on a further six occasions to assess a total of 15 complaints received. Of those 15 complaints, 10 were assessed for no further action and 5 were referred for investigation. One of those cases remains to be heard. Breach of the code was found in 2 of the cases investigated. The breaches of the code related to non-declaration of interests and failure to leave a meeting having declared an interest. Both Members involved acknowledged their breach and offered their apologies. No sanctions were imposed. The 2 cases where no breach was found related to matters of disrespect and related aspects of the code.

Of the 15 cases received, 5 related to councilors acting in their capacity as district councilors. The other 10 related to councilors acting in their capacity as town and parish councillors.

### **THE FUTURE OF STANDARDS**

The Localism Bill proposes to abolish the current standards regime.

The provisions proposed include:

- To abolish Standards for England (The Standards Board)
- To remove the mandated requirement for a Standards Committee.
- To remove a mandated national Code of Conduct for councillors
- A new duty on local authorities to promote and maintain high standards of conduct, including provision for the adoption of a voluntary code of conduct and the powers to revise, adopt and withdraw such a code.
- To create a criminal offence relating to failure to register or declare interests.
- Clarification of rules relating to pre-determination

The expected consequences of the proposed provisions are that:

- A duty on local authorities to promote and maintain high standards of conduct, including provision for the adoption of a voluntary code of conduct and the powers to revise, adopt and withdraw such a code without precise national boundaries.
- the District Council will no longer have responsibility for dealing with town and parish council member complaints with the implication that they will have to be dealt with at that level. The District may wish to provide a suggested framework and advice
- A method of dealing with complaints will have to be established.

As the detail of the Localism Bill becomes clear, it is proposed that the Standards Committee will develop options available for working under the new regime. Those options can be presented to the Engagement Policy Development Group for consideration and recommendation to Cabinet and adoption by Council.

**4. OTHER OPTIONS CONSIDERED**

The provision and workings of the Standards Committee are based on statutory requirements.

**5. RESOURCE IMPLICATIONS**

The resource implications of any new regime are unknown. The cost of implementation must be a relevant consideration in the adoption of any new regime.

**6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)**

There are no health and safety risks associated with this report. The data has been supplied from records held by the Head of Legal and Democratic Services.

**7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT**

Not applicable

**8. CRIME AND DISORDER IMPLICATIONS**

There are no crime and order implications arising from this report.

**9. COMMENTS OF FINANCIAL SERVICES**

**10. COMMENTS OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES**

Both the monitoring officer and the deputy monitoring officer have worked closely with the Chairman and Vice Chairman of the Standards Committee to ensure complaints received have been processed in accordance with regulatory requirements. The Standards Committee have worked hard to ensure that all complaints are dealt with fairly and effectively. The Committee is best placed to develop options for future ways of working.

**11. COMMENTS OF OTHER RELEVANT SERVICE MANAGER**

None applicable

**12. APPENDICES: None**