

REPORT FOR DECISION

DECISION OF:	STANDARDS COMMITTEE
DATE:	4 July 2012
SUBJECT:	The Localism Act 2011 - New Standards Regime – Review of Arrangements
REPORT FROM:	Monitoring Officer
CONTACT OFFICER:	Jayne Hammond – Assistant Director, Legal & Democratic Services
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	The Localism Act 2011 made fundamental changes to the system of regulation of standards of conduct for elected councillors. The Council adopted new arrangements on 1 July 2012. This report seeks to provide further guidance on the arrangements.
OPTIONS & RECOMMENDED OPTION	<p>The recommendations are:</p> <ul style="list-style-type: none"> (1) that the report be noted and members be asked to review the issues raised ; (2) that the operation of the arrangements be the subject of review by the Committee in 12 months time
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? The report is in line with the Council's Constitution.

Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no financial implications arising from this report.
Statement by Executive Director of Resources:	There are no resource implications arising from this report.
Equality/Diversity implications:	There are no identified negative implications arising from the recommendations.
Considered by Monitoring Officer:	Yes The Localism Act 2011 repealed the existing legislative framework so that new arrangements and a new Code were put in place with effect from 1 July 2012.
Wards Affected:	All
Scrutiny Interest:	N/A

TRACKING/PROCESS

DIRECTOR: Deputy Chief Executive

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

- 1.1. In introducing the new arrangements, local authorities were disadvantaged by the lateness in receiving regulations. As a result the Council could not formally appoint an Independent Person, as required by the legislation, until 17 October 2012. Accordingly complaints received between 1 July and 17 October were dealt with through the Assessment Sub-Committee.
- 1.2 The revised arrangements for dealing with Standards complaints following the introduction of the Localism Act are summarised in new Flow Charts attached to this report. For ease of reference these have been split into each of the key procedures within the complaint system.

2.0 Further Issues for Consideration

- 2.1 The implementation of the revised arrangements has flagged up issues on which the views of members are sought.
- 2.2 The current guidance is not specific in terms of a time limit for dealing with complaints. It states that one of the grounds for rejecting a complaint would be that it "happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means that there would be little benefit or point in taking action now." Members are asked to consider introducing a time limit for complaints of 6 months with the proviso that this can be waived in exceptional circumstances.
- 2.3 Guidance is not specific as to how much information regarding an allegation should be passed to the Subject Member at the outset of the Assessment process. One of the reasons for this is that the Assessment Stage is not designed to involve a detailed consideration of evidence or representation from either the complainant or the subject member. It is to arrive at a conclusion as to whether a potential breach of the Code of Conduct **could** have taken place. Initial assessment decisions are taken privately as consideration may be given to unfounded and potentially damaging complaints about members which it would not be appropriate to make public. Additionally, there is provision within the system that a complainant may remain anonymous in exceptional circumstances at the discretion of the Monitoring Officer/Assessment Panel. It is suggested therefore that whilst it is appropriate to inform a Subject Member that a complaint has been made against him/her, and to provide an outline of what the complaint is about, the level of detail must be at the discretion of the Monitoring Officer or Assessment Panel.

3.0 Conclusion

- 3.1 Members are asked to:-
- Comment on the Flow Charts as a means of summarising the Guidance;
 - Comment on the proposal to introduce a 6 month "time line" as set out in Paragraph 2.2;
 - Comment on arrangements for notifying Subject Members as set out in Paragraph 2.3
 - Review the arrangements in 12 months time.

List of Background Papers:

None

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