

COUNCIL

18 April 2012

EXTRACT FROM MINUTES OF CABINET (11 April 2012)

REPORT OF HEAD OF DEMOCRATIC SERVICES

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RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

Appendix A to this report sets out a minute extract for the consideration of Council regarding the Localism Act 2011.

RECOMMENDATION:

That Council considers the matter set out in the minute extract.

EXTRACT FROM MINUTES OF CABINET – 11 April 2012**LOCALISM ACT 2011 – CODE OF CONDUCT AND RELATED MATTERS**

(Report [CAB2308](#) refers)

The Corporate Director (Governance) advised that since the Report was published, the Local Government Association had issued a short example of a model code and some guidance. However, he considered this new information to be of limited assistance, as it specified that much of the detail still needed to be produced locally, but the contents would be considered further, together with the Regulations to be issued by the Secretary of State.

In response to questions, the Corporate Director clarified that the treatment of pre-determination under the Act remained broadly the same as current advice issued by the Council. This was because the Localism Act had taken account of recent relevant case law. However, the first training session of the new Municipal Year for Planning Development Control Committee Members would provide further guidance.

Cabinet agreed to the following for the reasons set out above and outlined in the Report.

RECOMMENDED:

- 1. THAT THE COUNCIL CONTINUES TO ABIDE BY ITS EXISTING CODE OF CONDUCT, REGISTER OF MEMBERS INTERESTS AND RELATED PROTOCOLS AND GUIDELINES, SAVE TO THE EXTENT THAT ANY PROVISIONS ARE INCONSISTENT WITH ANY REGULATIONS MADE BY THE SECRETARY OF STATE OR OTHER LEGAL REQUIREMENT, UNTIL SUCH TIME AS A PREFERRED OPTION ON A REPLACEMENT CODE HAS BEEN ADOPTED BY THE COUNCIL.**
- 2. THAT THE COUNCIL CONTINUES TO APPOINT A STANDARDS COMMITTEE UNDER THE EXISTING PROVISIONS IN THE CONSTITUTION AND THAT, FOR THE 2012/13 MUNICIPAL YEAR, ITS MEMBERSHIP CONTINUE TO BE SEVEN COUNCILLORS.**
- 3. THAT THE CURRENT THREE PARISH REPRESENTATIVES BE THANKED FOR THEIR PAST SERVICE AND BE INVITED TO CONTINUE TO SERVE ON THE STANDARDS COMMITTEE, AS NON-VOTING CO-OPTED MEMBERS, FOR THE 2012/13 MUNICIPAL YEAR TO PROVIDE CONTINUITY OF EXPERIENCE.**
- 4. THAT THE CURRENT INDEPENDENT MEMBERS BE THANKED FOR THEIR PAST SERVICE AND THEY BE INFORMED OF ANY CHANGE IN REGULATIONS MADE BY THE SECRETARY**

OF STATE, SHOULD IT PERMIT THEM TO APPLY TO BE 'INDEPENDENT PERSONS' UNDER THE NEW SYSTEM.

5. THAT, WHEN APPROPRIATE, THE STATUTORY PUBLIC ADVERTISEMENTS BE PLACED TO ENABLE APPLICATIONS FOR THE APPOINTMENT OF THREE 'INDEPENDENT PERSONS', AS THAT NUMBER WOULD ALLOW FOR ABSENCES, CONFLICTS OF INTEREST ETC.

6. THAT THE COUNCILLOR MEMBERS OF THE STANDARDS COMMITTEE RECOMMEND THE APPOINTMENTS OF THE THREE 'INDEPENDENT PERSONS' TO COUNCIL AT ITS MEETING TO BE HELD ON 18 JULY 2012.

7. THAT THE EXISTING PROCEDURES FOR HANDLING COMPLAINTS REMAIN IN FORCE AFTER 1 JULY 2012, PENDING THE WIDER REVIEW OF THE STANDARDS FRAMEWORK, SUBJECT TO THE MONITORING OFFICER BEING GIVEN DELEGATED AUTHORITY TO GIVE AN INITIAL VIEW ON WHETHER THERE IS A POTENTIAL BREACH OF THE CODE, AND, IF THERE MAY BE A POTENTIAL BREACH, IN CONSULTATION WITH AN INDEPENDENT PERSON, TO MAKE DETERMINATIONS UNDER THE ASSESSMENT STAGE OF THE PROCESS.

8. THAT, SUBJECT TO NOT PREJUDICING ANY POTENTIAL INVESTIGATION, THE MONITORING OFFICER SHOULD BE ABLE TO SEEK, AT THE ASSESSMENT STAGE, A RESPONSE FROM THE COUNCILLOR AGAINST WHOM THE COMPLAINT HAS BEEN MADE.

9. THAT THE REVIEW STAGE OF THE COMPLAINTS PROCESS, BY A STANDARDS (REVIEW) SUB-COMMITTEE, BE MAINTAINED UNTIL THE WIDER REVIEW IS COMPLETED.

10. THAT THE MONITORING OFFICER BE GIVEN DELEGATED AUTHORITY TO ISSUE INTERIM GUIDANCE OR APPROVE OTHER INTERIM CHANGES, SHOULD ANY REGULATIONS MADE BY THE SECRETARY OF STATE OR OTHER LEGAL REQUIREMENT REQUIRE CHANGES TO CURRENT PRACTICE IN THE CONSTITUTION, CODE OR ASSOCIATED PROCEDURES AND PROTOCOLS.

11. THAT THE MONITORING OFFICER BE REQUESTED TO PRODUCE A DRAFT UPDATED LOCAL STANDARDS FRAMEWORK, INCLUDING A REVISED CODE OF CONDUCT, HAVING REGARD TO THE ABOVE POINTS AND THE GUIDANCE OR REGULATIONS WHICH ARE STILL EMERGING FROM THE GOVERNMENT AND RELEVANT NATIONAL BODIES.