

**CABINET**

**4 July 2012**

**Minute Extract**

166. **LOCALISM ACT 2011 – CODE OF CONDUCT - UPDATE**  
(Report CAB2368 refers)

Cabinet agreed to the following for the reasons outlined in the Report.

**RECOMMENDED:**

1. THAT THE COUNCIL CONTINUES TO ABIDE BY ITS EXISTING CODE OF CONDUCT 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 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.

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

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

5. 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.

**6. THAT THE MONITORING OFFICER BE AUTHORISED TO PRODUCE A FORM TO TAKE ACCOUNT OF THE MINIMUM REQUIREMENTS OF THE REGULATIONS FOR DISCLOSABLE PECUNIARY INTERESTS FOR 2012/13 (APPENDIX 2 REFERS).**

**7. THAT ALL MEMBERS BE REQUIRED TO COMPLETE THE NEW FORM BY 14 SEPTEMBER 2012.**

**8. THAT THE ALLOWANCE FOR INDEPENDENT PERSONS BE £500 EACH PER ANNUM PLUS TRAVEL EXPENSES.**

**9. THAT THE COUNCILLOR CHAIRMAN OF THE STANDARDS COMMITTEE BE ELIGIBLE FOR A SPECIAL RESPONSIBILITY ALLOWANCE AT SCALE 6 (AD HOC CHAIRMAN ALLOWANCE) OF £1,521 PRO RATA FOR THE 2012/13 MUNICIPAL YEAR, AND THE SITUATION BE REVIEWED IN DUE COURSE, WHEN IT CAN BE SEEN HOW THE NEW ARRANGEMENTS WORK IN PRACTICE.**

**10. THAT THE LEADER, PORTFOLIO HOLDER FOR FINANCE AND ADMINISTRATION, LEADER OF THE OPPOSITION AND CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE BE ALSO INVITED TO THE MEETINGS OF THE STANDARDS COMMITTEE, TO GIVE INPUT WHEN IT CONSIDERS THE PROPOSALS FOR A REPLACEMENT FOR THE CODE OF CONDUCT.**