

**TO: GOVERNANCE AND AUDIT COMMITTEE
27 MARCH 2012**

**FUTURE STANDARDS COMMITTEE ARRANGEMENTS
Director of Corporate Services – Legal**

1 PURPOSE OF REPORT

- 1.1 This report seeks the views of the Committee as to whether, under the new framework for dealing with Member's conduct to be put in place in consequence of the Localism Act 2011, the Standards Committee should make recommendations to the Committee or to full Council.

2 RECOMMENDATION

- 2.1 The Committee is requested to express a view as to whether the Standards Committee should make recommendations to the Committee or to full Council.**

3. REASONS FOR RECOMMENDATION

- 3.1 Not relevant.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The options are discussed in Section 5 below.

5 SUPPORTING INFORMATION

- 5.1 The Localism Act 2011 will, when the relevant provisions are brought into force, put in place a new regime for Member conduct. The Council will be required to have a Code of Conduct for Members but the Code will not be prescribed by central government. Although the Council will be obliged to have arrangements to determine allegations that a Member has contravened the Code it is not required to (but may have) a Standards Committee. The currently available sanctions which may be imposed in the event of a finding that a Member has contravened the Code (which include suspension for up to six months) will no longer be available. The sanctions which may be imposed in the future include censure, withdrawal of Council equipment (e.g. Council provided computers), restriction of access to Council premises and a recommendation to a political group that a Member be removed from a Committee.
- 5.2 The indications at this stage are that the Council will wish to retain a Standards Committee which includes independent persons. A consequence of the Localism Act repealing the whole structure of the existing legislation relating to Standards Committees is that in future independent persons co-opted on to a Standards Committee will not have voting rights unless the Standards Committee is constituted as an advisory committee. As a result, for the Council to retain a Standards Committee with a valid and effective role for independent persons, the Standards Committee will have to make recommendations to either another Committee or to full Council on the understanding that the receiving body will accept the recommendations. The

appropriate alternative to full Council would appear to be Governance and Audit Committee.

- 5.3 The government has indicated that the relevant parts of the Localism Act 2012 will come into force at the beginning of July 2012. Therefore the Council will need to have the Standards framework in place by then.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The Borough Solicitor is the author of this report.

Borough Treasurer

- 6.2 There are no financial implications directly arising.

Equalities Impact Assessment

- 6.3 Not relevant.

Strategic Risk Management Issues

- 6.4 Not relevant.

Other Officers

- 6.5 None.

7 CONSULTATION

Principal Groups Consulted

- 7.1 At its meeting on 19 March 2012 the Standards Committee will consider a report on a new structure for standards. The views of the Standards Committee will be reported to this Committee.

Method of Consultation

- 7.2 As alluded to in 7.1.

Representations Received

- 7.3 To be reported.

Background Papers

None.

Contact for Further Information

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Doc. Ref

AIJ/f/reports/Governance and Audit – Future Standards – 27 March 2012