

**NEW STANDARDS REGIME - PROGRESS
(Report by the Head of Legal & Democratic Services
and Monitoring Officer)**

1. INTRODUCTION

- 1.1 Members will recall that both the Committee and the Council at their last meetings on 21st June and 4th July 2012 respectively, authorised the Head of Legal and Democratic Services and Monitoring Officer to put in place arrangements to ensure that the District Council complied with the requirements of the Localism Act 2000 in respect of "Standards" as soon as possible after the effective date of 1st July 2012.
- 1.2 Bearing in mind the timescale imposed by the Government for adoption of the new Code and its implications, this report describes the action taken thus far by the Monitoring Officer to comply with the instructions of the Council and the Committee.

2. PROGRESS TO-DATE

- 2.1 A new Code of Conduct was adopted by the District Council on 4th July 2012. Guidance Notes accompanied by a new Declaration of Interest Form was sent to all District Councillors on 18th July 2012. Although pointing out that the timescale for compliance was tight i.e. 28 days from the date the Code was adopted by the Council, 25 declarations are still outstanding from District Councillors. Those forms received have been published on the District Council's website in accordance with requirements of the Localism Act.
- 2.2 Letters were sent to all Town and Parish Councils on 10th and 19th July 2012 giving advice on the options available for the adoption of a new Code of Conduct, enclosing guidance on disclosable pecuniary interests and copies of new Declaration Forms.
- 2.3 So far and as at 28th August – of the 71 Town and Parish Councils in Huntingdonshire, fifteen have adopted the Huntingdonshire Code and four have chosen to adopt the version produced by the National Association of Local Councils. Fifty three individual declaration forms have been received and 597 still are outstanding. Alwalton, Tilbrook, Upton and Coppingford have responded in full and their register and forms are published on the District Council's website in accordance with the Act. But for some queries, there are a number of other Parish Councils close to the point of publication.
- 2.4 As an illustration of the correspondence sent to Town and Parish Councils, copies of the material issued is appended hereto.
- 2.5 More recently, the Monitoring Officer has issued a further Advice Note and Model Application Form to all Town and Parish Clerks in respect of the granting of dispensation. Copies of the advice and Model Form are also enclosed.

- 2.6 Earlier on the Agenda, the Monitoring Officer described the action he had taken to attract candidates to the post of Lead and Deputy Independent Persons. Four applications had been received by the closing date of 25th August and following the Committee's meeting, it is the intention to convene a meeting of an Appointment Panel to enable a recommendation as to the successful candidate to be approved by the Council on 25th September 2012.
- 2.7 As the introduction of the new standards requirements coincided with the Summer holiday season, the Monitoring Officer considered it prudent to hold training sessions in abeyance until the Autumn.

3. GENERAL DISPENSATION

- 3.1 Members may recall that the former Model Code of Conduct prescribed specified circumstances when a Member could exclude themselves from having to declare a prejudicial interest and leave the room when business arose in connection with that interest. For instance, one of these matters related to housing, where the Member was a tenant of the Authority provided the functions under discussion did not relate to the Member's tenancy or lease.
- 3.2 As there are no similar exclusions in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, the Committee may consider it appropriate to grant a general dispensation to all Members of the Council in specified circumstances.
- 3.3 Under Chapter 7, Section 33(2) of the Localism Act, a relevant authority may "grant a dispensation..... if, after having had regard to all relevant circumstances, the authority –
- (a) considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
 - (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
 - (c) considers that granting dispensation is in the interests of persons living in the Authority's area;
 - (d) if it is an Authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each Member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive, or;
 - (e) considers that it is otherwise appropriate to grant a dispensation.

A dispensation under this Section must specify the period for which it has effect, and the period specified may not exceed four years".

3.4. It is proposed that a dispensation be granted to enable Members to speak and vote where they have a disclosable pecuniary interest but where that interest is one which a member of the public with knowledge of the relevant facts would not reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest. Such dispensation to include the following specific circumstances –

- (i) setting the Council Tax and budget under the Local Government Finance Act 1992; and
- (ii) setting the allowances, payments or indemnity given to Members.

4. RECOMMENDATION

4.1 The Committee is requested to note the action taken so far to introduce the new Standards arrangements; and

4.2 The Committee is requested to grant a general dispensation to all Members of the Council for the period ending 30th April 2016 to enable all District Councillors to speak and vote on matters specified in paragraph 3.4.

BACKGROUND PAPERS

Localism Act 2011.

Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

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