
Standards Committee

Report of the meeting held on 5th December 2013

Matter for Information

**8. DCLG GUIDANCE –
OPENNESS AND TRANSPARENCY ON PERSONAL INTERESTS –
IMPACT ON CODE OF CONDUCT**

The Department of Communities and Local Government (DCLG) has recently published revised guidance entitled 'Openness and transparency on personal interests'. This indicates that the interests to be registered and declared by Councillors should include membership of a trade union. This interest was not one specifically defined by the Government under Regulations issued following the Localism Act 2011 and, at that time, the Council attempted, when adopting its new Code of Conduct in July 2012, to comply with the Government's objectives to simplify the requirements of the new regime.

Whilst there is some doubt about the power of DCLG to require such a change by simply issuing "Guidance", the Committee was of the view that if the Council is to amend its Code to require trade union interests to be registered and declared, it should take the opportunity to review and potentially extend the Code to include other interests, similar to those included in the previous National Code and in that promoted by the National Association of Local Councils (NALC).

As it would appear to be sensible to avoid the additional bureaucracy of requiring new declaration forms from Councillors before the next local elections, the Committee has requested the Head of Legal & Democratic Services to prepare a revised Code of Conduct to reflect any changes considered necessary for consideration at their next meeting and for implementation from the beginning of the new Municipal Year in May 2014.

This will also provide the opportunity to give advice and to provide training both to Members and to town and parish councils who might wish to make similar changes to their Codes.

Accordingly the Committee will be recommending the Council to consider adopting a revised Code of Conduct at its meeting in April.

9. ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS UNDER THE LOCALISM ACT 2011: PROPOSED AMENDMENTS

The Committee was reminded that under Section 28 of the Localism Act 2011, the Council must have in place 'arrangements' under which allegations that a Member of the authority or of a parish council within the authority's area has failed to comply with that authority's Code of Conduct can be investigated and decisions made on those allegations. A protocol for this purpose was approved when the new Code of Conduct was adopted in July 2012.

Several issues have emerged from working experience of the Protocol since then and having discussed the changes considered to be necessary, the Committee has approved an amended Protocol for implementation with immediate effect. This will, for instance, seek to make clear to complainants that the Code of Conduct only applies when a Councillor is acting in an official capacity (or if they are claiming or giving the impression they are acting in an official capacity) rather than applying to the conduct or actions of Councillors in their private lives. The Committee is of the opinion that the changes will clarify the arrangements and consequently better manage the expectations of complainants.

10. UPDATE ON CODE OF CONDUCT AND REGISTER OF DISCLOSABLE PECUNIARY INTERESTS

The Committee has been updated on the current position in respect of the receipt and publication of Registers of Interests of Members and Co-opted Members of the District Council and of those Members serving on Parish Councils. All registers are required to be published on the District Council's website.

Whilst the current position was encouraging and represented a marked improvement on the level of returns reported previously, the Committee still was concerned that one Council had yet to adopt a Code of Conduct and that four had not yet published a register of Disclosable Pecuniary Interests.

Although the Committee has concluded that it is no longer necessary for them to visit the Parish Council's where DPI's were still outstanding, the Monitoring Officer has been requested to alert the Councils concerned that unless the position is rectified, it is his intention to draw their failure to comply with that part of the Localism Act relating to standards to the attention of the external auditor before closing the 2013/14 accounts.

11. UPDATE ON CODE OF CONDUCT COMPLAINTS

The Monitoring Officer has updated Members on the number of complaints he has received since September. The Committee has noted that, of the five complaints received and after consultation with the Independent Persons, it had been decided that no further action was appropriate in three cases, that one case had been resolved by

agreement between the parties concerned and that one still remained outstanding pending the receipt of further information.

12. TRAINING UPDATE

Following the Committee's suggestion that Town and Parish Councils should be reminded of the opportunity that existed for the Monitoring Officer to attend local Council meetings to give training on the Code of Conduct, the Monitoring Officer has hosted four sessions over the Autumn at Needingworth, Hilton, Old Weston and Woodhurst. These sessions attracted 45 Councillors and Clerks from Alconbury, Bluntisham, Earith, Hemingford Grey and Pidley Cum Fenton. The Committee has noted that preliminary arrangements also have been made for a session at Perry Parish Council in January and that all sessions to date had been well received.

Several Members of the Committee and the Independent Persons also had the opportunity to participate in joint training, held in conjunction with South Cambridgeshire District Council, on the Code of Conduct, pre determination and bias.

A Hansard
Chairman