

<b>Subject:</b>	<b>Annual report of Standards Committee</b>		
<b>Date of Meeting:</b>	<b>17 January 2012</b>		
<b>Report of:</b>	<b>Monitoring Officer</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Liz Woodley</b>	<b>Tel: 291509</b>
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<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Section 3 of this report summarises the main ethical requirements of the Local Government Act 2000 (the Act), and demonstrates how the council has complied with them over the 12 months since the previous report of January 2011.

**2. RECOMMENDATIONS:**

- 2.1 That the Committee reviews the period January 2011 to December 2011 and advises of any action that it wished to be taken
- 2.2 That the Chair presents the report to Council.

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:****3.1 Standards Committee**

- 3.1.2 Section 53 of the Local Government Act 2000 requires the council to establish a Standards Committee, which must include two elected members and at least one independent member. Independent members must account for at least 25% of the membership of the Committee. Where a Council is responsible for parish councils, the Standards Committee (England) Regulations 2008 require at least two parish council representatives to be members of the Standards Committee. A Standards Committee must be chaired by a person who is not a member or officer of the authority

- 3.1.3 The Council has established a Standards Committee with a membership of 12. Over the period of the report, the membership of the Committee has been as follows:-

4 Independent Persons – Paul Cecil, Peter Rose and Dr M B Wilkinson and one vacancy. Uncertainty over the future of the Standards regime caused by the Localism Bill has meant that a decision has been taken not to recruit a further independent member following the resignation in February 2011 of Melanie Carter. .

2 Rottingdean Parish Councillors – John Bustard and Geoff Rhodes throughout

Green Members – Councillor Deane to May 2011 and Councillors Jones, Kitcat and Littman thereafter

Conservative Members - Councillors Harmer-Strange and Mrs Theobald until May 2011 and Councillors Norman and Wells thereafter

Labour - Councillors Carden and Lepper until May 2011 and Councillor Lepper thereafter

Liberal Democrat/Independent Member – Councillor Watkins until May 2011

3.1.3 The composition of the Committee complies with the statutory requirements. Dr Wilkinson has been the Chair throughout the period covered by the report.

### **Functions of Standards Committees**

3.2.1 Section 54 (1) (a) of the Act provides that the general functions of a standards committee are promoting and maintaining high standards of conduct by members and co-opted members, and assisting them to observe the authority's code of conduct. By section 54 (1) (b) a standards committee is also required to have the following specific functions – advising on the adoption of a code of conduct; monitoring the operation of the code of conduct and advising, training or arranging to train members and co-opted members on matters relating to the code of conduct. All the prescribed functions are covered in the Committee's Terms of Reference.

3.2.2 An authority may arrange for its standards committee to exercise such other functions as the authority may consider appropriate. The Committee has been given a wide range of functions.

3.2.3 The Committee's wide remit is reflected in the written reports considered throughout the year:-

#### 18 January 2011

Annual report of the Standards Committee  
Localism Bill  
Review of Election Guidance  
Complaints Update

#### 29 March 2011

Localism Bill update  
Member Induction Programme  
Complaints Update

#### 21 June 2011

Update on the Localism Bill  
Review of Webcast guidance

Review of Use of Council Facilities  
Work Programme for 2011/2012  
Complaints Update

27 September 2011

Review of Code of Conduct for Employees  
Update from the Working Party regarding the Localism Bill  
Complaints Update

### **Sub-Committees**

- 3.3.1 A Standards Committee may appoint sub-committees to assist in the discharge of its functions (Section 54). The Council has established a Standards Assessment Panel, a Standards Assessment Review Panel and a Standards Hearing Panel. During the period covered by the report, the Assessment Panel has met 5 times and dealt with 12 complaints, the Review Panel has not met, and the Hearing Panel has met four times, twice as a Consideration Panel.

### **Code of Conduct**

- 3.4.1 Under section 50 of the Local Government Act 2000, the Secretary of State may issue a model code as regards conduct which is expected of members and co-opted members of local authorities in England. Local authorities must adopt a code which incorporated the mandatory provisions of the code and may incorporate other provisions which are consistent with the Model. The Council adopted a Code of Conduct for Members on 15 May 2008, incorporating the mandatory provisions.
- 3.4.2 A person who becomes a member of the council may not act as such unless he/she has given a written undertaking that in performing his/her functions he/she will observe the council's Code of Conduct. Written undertakings have been given by all elected and co-opted members of the council.

### **Periodic Returns**

- 3.5.1 Section 66B of the Act provides that an authority must send to the Standards Board (now known as Standards for England - SfE ) within such period beginning with the end of each relevant period as the Board may direct, a return containing the required information. Early in 2010 SfE suspended the requirement to submit returns.

### **Disclosure and Registration of Members' Interests**

- 3.6.1 By section 81 of the Act, the monitoring officer of each authority must establish and maintain a register of interests of the members and co-opted members of the authority. The council's Code of Conduct requires all members to register financial and other interests.
- 3.6.2 The council has declarations of interest from all Councillors and independent persons who are or who have been, members during the period of this report.

- 3.6.3 A copy of the register containing the most recent declarations of all current members and independent members serving on the Standards Committee is available for inspection at Kings' House. The register is also available on line, although members' home addresses have been withheld.

### **Future of the Standards Regime**

- 3.7.1 The Localism Act received Royal Assent in November 2011. When in force, its standards provisions will have a significant effect on the standards regime. How the new provisions will be implemented by the council is yet to be determined.

## **4. THE MONITORING OFFICER FUNCTIONS**

- 4.1 The functions of the Monitoring Officer derive from section 5 of the Local Government and Housing Act 1989 and the Local Government Act 2000. These are supplemented by the council's Scheme of Delegations to Officers, various codes and protocols contained within Part 9 of the constitution, as well as custom and practice. The Monitoring Officer in respect of legality and the Director of Finance & Resources in respect of finance both have statutory powers to intervene in decision making and to issue formal reports to the full council. Neither officer has had to use these powers in the period covered by the report.

### **Adequacy of Resources and Officer Arrangements**

- 4.2 For the period covered by this report, the Head of Legal and Democratic services, Abraham Ghebre-Ghiorghis, has been the council's Monitoring Officer.
- 4.3 The Council is obliged to provide the Monitoring Officer with the necessary resources to enable him to discharge his functions. The Monitoring Officer is supported by a number of lawyers (who attend Cabinet, Cabinet Member meetings and committees and provide legal and probity advice), the Standards and Complaints Team (which deals with allegations of maladministration by any part of the council as well as ethical complaints about members) as well as Democratic Services Officers.
- 4.4 The council's Internal Audit undertakes an audit of corporate governance from time to time and supports the Monitoring officer by identifying any issues and suggesting steps for improvement.
- 4.5 These arrangements, taken together, provide the necessary expertise and resources for the effective discharge of the Monitoring Officers' functions.

## **COMMUNITY ENGAGEMENT AND CONSULTATION**

- 5.1 The Chairman and Monitoring Officer have been consulted on the report.

## **6. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 There are no financial implications arising from the report

*Finance Officer Consulted: Anne Silley*

*Date: 15/12/11*

Legal Implications:

- 5.2 These are addressed in the body of the report.

*Lawyer Consulted: Name Liz Woodley*

*Date: 14/12/11*

Equalities Implications:

- 5.3 No Equality Impact Assessment has been undertaken. It is not considered that there are any equalities implications arising from the report.

Sustainability Implications:

- 5.4 There are no sustainability implications arising from the report.

Crime & Disorder Implications:

- 5.5 There are no crime and disorder implications.

Risk and Opportunity Management Implications:

- 5.6 There are no risk and opportunity management implications,.

Public Health Implications:

- 5.7 There are no public health implications.

Corporate / Citywide Implications:

- 5.8 There are none

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

None

### **Documents in Members' Rooms**

None

### **Background Documents**

None