

**REPORT TO THE CONSTITUTIONAL REVIEW COMMITTEE
MEETING OF 10TH JULY 2012**

Status: Decision
Title: Changes to the Constitution as a result of the changes to the Standards Regime
Originator: Verina Wenham, Head of Legal & Democratic Services and Monitoring Officer
Where from: CMT
Where to next: Council

1 Purpose Report

- 1.1 To update the Committee on the changes to the Standards Regime as a result of the Localism Act 2011 and to consider the required changes to the Constitution to be referred to Council for approval.

2 Recommendations:

- 2.1 That the Code of Conduct attached as Appendix A and approved by Council on the 25th June 2012 be substituted for the existing Code of Conduct contained within Part 5 of the Constitution.
- 2.2 That Article 9 of the Constitution which currently sets out the terms of reference for the Standards Committee be amended to refer to the new Ethical Governance Committee and its terms of reference and composition as approved by Council on the 25th June 2012.
- 2.3 That the Committee consider the process for dealing with complaints as set out in Appendix B and that this is formulated and inserted within the Constitution.

3. Summary of Reasons for the Recommendations

- 3.1 Chapter 7 of the Localism Act 2011 sets out the provisions in respect of the conduct of members under the new Legislation. Chapter 7 is now in force in part to allow for the preparation of the new Regime which came into force on the 1st July 2012. The Commencement Order and Regulations were laid on the 8th June 2012.
- 3.2 The Act requires an authority to adopt a Code of Conduct and the Commencement Order enables an authority to adopt a Code of Conduct which took effect on 1st July 2012.

4 Impact on Communities

4.1 None, as far as this report is concerned.

5 Key Facts

5.1 At its meeting on the 25th June 2012 Council resolved that the Code of Conduct attached at Appendix A to this report be adopted. For the time being Council appoints a Committee to deal with the administration of complaints about Councillors to include the general function currently delegated to the Standards Committee. The new Committee will be called the Ethical Governance Committee.

5.2 The Ethical Governance Committee will be politically balanced and will be made up of seven elected Members (appointment of Councillors to the Committee delegated to the Party Whips). Council decided that two co-opted Parish Members would be appointed to the Ethical Governance Committee and that the current Parish Members were to remain in position until the meeting of Annual Council in 2015.

The Council adopted the process for dealing with complaints as set out in the flowchart as set out in Appendix B and that the details of this process be referred to the Standards Committee for final consideration for approval by Council.

5.3 At its final meeting on the 27th June 2012, the Standards Committee considered the resolution of Council and asked that the following points were considered by the Constitutional Review Committee:

5.3.1 The Standards Committee felt that the training needs for both elected and co-opted Members of the District Council and the Parishes was important and that this should be incorporated into the terms of reference for the new Ethical Governance Committee.

5.3.2 The Standards Committee requested that the Monitoring Officer provide a report to Members on the first six months of the running of the new Standards Regime.

5.4 Improvements to the flowchart for dealing with complaints were suggested. The flowchart should include a list of the sanctions available to the Ethical Governance Committee. The Standards Committee (Meeting of 27th June 2012) also felt that the Member subject to the complaint should be advised of the nature of the complaint upon initial receipt.

6 Legal Issues

6.1 The new Standards Regime became operative on the 1st July 2012 and the subsequent changes required to the Constitution will need to be considered by

this Committee before final consideration and adoption by Council on the 30th July 2012.

7 Resource Issues

7.1 Any required changes to the Constitution will be dealt with within existing resources.

8 Equality Impact Assessment Implications/ Outcomes

8.1 None, as far this report is concerned.

9 Impact on the Organisation

9.1 None, as far this report is concerned.

10 Community Safety Implications

10.1 None, as far this report is concerned.

11 Consultation

11.1 Not Applicable.

12 Options Considered

12.1 The Council was under an obligation to adopt a new Code of Conduct from 1st July 2012 and to put in place arrangements for dealing with complaints.

13 Background Papers

- Localism Act 2011.
- Report of the Monitoring Officer : 25th June 2011.

Previous report(s):
Information Issued Under Sensitive Issue Procedure: No.
Ward Members Notified: No.