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| Recommendation to Council on 19 April 2012 | From: General Purposes Committee on 11 April 2012 | Item 12 (a) |
| | Ethical Standards | |
| 1. | Council is asked to approve the following recommendations:- | |
| | <ol style="list-style-type: none"> 1. that the draft Code of Conduct, as set out at Appendix A to this report, be adopted with effect from 1 July 2012; 2. that, subject to the approval of recommendation 1 above, the Monitoring Officer contact the clerks to the town and parish councils in Central Bedfordshire and invite them to consider recommending the Code of Conduct for adoption by their own council; 3. that the General Purposes Committee be authorised to take any decisions necessary to implement the provisions contained in Chapter 7 of the Localism Act 2011, so that arrangements are in place when the relevant provisions take effect on 1 July 2012. | |
| | Background | |
| 2. | At its meeting on 11 April, 2012 the General Purposes Committee considered a report setting out proposals from the Ethical Standards Task Group for:- <ol style="list-style-type: none"> (i) the adoption of a new Code of Conduct; and (ii) arrangements for ethical standards complaints to take effect from 1 July 2012. | |
| 3. | The General Purposes Committee noted that the statutory framework governing the Council's Code of Conduct, and the arrangements for dealing with complaints that Members had failed to comply with the Code, had been repealed by the Localism Act 2011. The Act contained new arrangements governing ethical standards in local authorities which would come into effect on 1 July 2012. | |
| | Code of Conduct | |
| 4. | The Committee considered a proposed replacement Code of Conduct which had been drawn up with the assistance of the Ethical Standards Task Force, whose membership had been drawn from the General Purposes Committee and also included representation from the Bedfordshire Association of Parish and Town Councils. | |

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| 5. | The draft Code of Conduct, with minor modifications, was considered appropriate for use not only by this Council but also by town and parish councils in the area, if they wished to adopt it. |
| | Arrangements for Handling Complaints |
| 6. | <p>The General Purposes Committee noted that the Task Force had given preliminary consideration to the arrangements for consideration of complaints. Further work on these arrangements would be needed in due course but the following elements were proposed for inclusion:</p> <ul style="list-style-type: none"> a) Initial assessment by the Monitoring Officer in consultation with an independent person and for complaints to be resolved informally where the Monitoring Officer considered that this would be appropriate. b) Appointment of Standards Sub-Committees/Panels to determine whether complaints should be investigated, to undertake hearings and determine any sanctions with advice from an independent person. c) The right of either the complainant or the Member against whom the complaint has been made to ask for the decision to be reviewed if they are dissatisfied with the outcome. |
| 7. | <p>The Committee also noted that the Localism Act contained no formal sanctions that may be imposed on Members who breach the Code of Conduct. It was noted that sanctions that could be imposed included:</p> <ul style="list-style-type: none"> a) Censure of the Member; b) The submission of a report to Council for information; c) Arranging training for the Member concerned; d) Removal of the Member by the Group Leader from any or all committees or sub-committees; e) Withdrawing facilities or excluding the Member from the Council's offices or premises with the exception of rooms used for Council and committee meetings. |
| | Transitional Arrangements |
| 8. | <p>The Committee considered the transitional arrangements and in that regard it was noted that the Council's Standards Committee will remain in place until 30 June and will be responsible for handling any complaints received during this period in accordance with the existing framework. The appointments of Independent Members and Town and Parish Council representatives serving on the Standards Committee will continue until 30 June 2012. With effect from 1 July 2012, all complaints that remain outstanding will be handled from that date in accordance with the new arrangements.</p> |

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| | Delegated Authority | |
| 9. | <p>The Committee noted that regulations had yet to be issued by the Government to clarify matters relating to pecuniary interests prior to the relevant provisions of the Localism Act coming into effect on 1 July 2012. Further work was also required to develop arrangements for the management of complaints, including the appointment of at least one “independent person”. In view of this, it was considered appropriate to seek delegated authority from full Council to take any decisions necessary to implement the provisions contained in Chapter 7 of the Localism Act 2011, to enable proper arrangements to be in place within the timeframe.</p> | |
| Appendices | Appendix A | Proposed Code of Conduct |