

Body: **AUDIT AND GOVERNANCE COMMITTEE**

Date: **26 September 2012**

Subject: **Member Standards**

Report Of: **LAWYER TO THE COUNCIL AND MONITORING OFFICER**

Ward(s) All

Purpose To assist the Audit and Governance Committee in fulfilling its obligations in relation to member standards pursuant to the 2011 Localism Act.

- Recommendations:**
- That the Committee note the new regime in relation to standards, and in particular its own role in overseeing and promoting high standards of conduct by members
 - That in order to effectively discharge its responsibilities with regard standards, the Committee invite the Monitoring Officer to report to it regularly both on the bedding-down of the new regime and of any compliance or other issues which may arise
 - That furthermore the Committee form a working group, made up of Committee members and an Independent Person, to make recommendations on such standards-related matters which concern members generally as it is directed to consider from time to time by the Committee Chair.

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1.0 Background

1.1 Members will recollect the Reports put before full Council on 9 May 2012 and 18 July 2012 regarding this authority's arrangements in relation to Standards and Member Conduct.

2.0 The Audit and Governance Committee and its responsibility for standards

2.1 Following the disbanding of both the Audit and the Standards Committees on 10 June 2012, the Audit and Governance Committee was established. Although the Committee incorporates a Standards Panel, said Panel will be convened only as and when necessary to deal with specific member complaints. The main burden of promoting and maintaining good standards of conduct amongst members remains with the Audit and Governance Committee and this is reflected in its terms of reference.

3.0 The new regime as to member standards, including the new requirement to notify Disclosable Pecuniary Interests as well as Other Interests

- 3.1 In anticipation of the new Standards regime, provisions relating to the new category of Disclosable Pecuniary Interests were incorporated into this authority's Code of Conduct in a form agreed with other authorities in East Sussex. The requirement that members disclose not just their own Disclosable Pecuniary Interests and their other interests, but also those of their partner/spouse, has now been complied with. This information will shortly be published on EBC's website.
- 3.2 It is noted that the stated intention of national Government in requiring the notification of relevant interests was to ensure transparency in local government decision-making. Failure to notify would fall short of the transparency required of all elected members, as well as constituting a breach of Eastbourne's Code of Conduct.
- 3.3 Member training will take place in the autumn of October 2012 on Standards. This will aim to update and refine understanding of the complexities of the new regime. It will explore the relationship between effective decision-making and the requirement to declare interests.

4.0 The Audit and Governance Committee's ongoing relationship to Eastbourne Borough Council's standards regime

- 4.1 Members will be familiar with the stated aim of the new regime to provide a 'light-touch' approach to regulating member behaviour, including a less bureaucratic process where allegations are made. Notwithstanding the fact that the new arrangements allow the Monitoring Officer to resolve certain issues without the need for a formal process, many commentators have observed that aspects of the new regime (including the requirement to disclose non-elected spouses' interests) are not as was widely anticipated. Notwithstanding this, it remains vital that the authority's business is conducted in accordance with legislative requirements, as well as in a transparent and fair way.
- 4.2 The Monitoring Officer proposes to bring to this Committee regular reports on the topic of Standards, so as to ensure that the Committee retains an overview of any issues which may arise. Up-to-date information regarding changes in the legislative and related framework will equip this Committee to ensure consistently high standards of member conduct.
- 4.3 In addition, the Committee may consider it appropriate to set up a working group – one consisting say of two independent members and an Independent Person with experience of standards in local government, supported by the Monitoring Officer – to report back to it from time to time on a defined remit as directed by the Committee Chair. That remit might such matters assessing the awareness and understanding of members and/or the public of the reality of the new regime as to Standards, and making any recommendations it considers relevant.

4.4 Throughout, EBC's arrangements and situation will remain the subject of scrutiny by this Committee. It is suggested that the measures recommended here will enable the Committee to lead effectively in ensuring that high standards of conduct and decision-making are achieved by all EBC members on a consistent and ongoing basis.

5.0 Consultation

5.1 This Report has been circulated to Group Leaders.

6.0 Resource Implications

6.1 None.

7.0 Financial

7.1 None.

8.0 Staffing

8.1 None.

9.0 Conclusion

9.1 The Localism Act and related legislation afforded local authorities the opportunity to simplify some of their processes relating to Standards. While the new arrangements include an increased discretion for the Monitoring Officer to deal with complaints, alongside a new role for the Independent Persons, it has been widely noted that the new regime has not resulted in a substantively clearer or less complex regime overall.

9.2 The requirement to monitor member conduct and promote good standards in decision-making remains in place. At Eastbourne Borough Council, the responsibility for overseeing the standards and ethics of members sits with this Committee. It is suggested that that responsibility may be discharged effectively by adopting the recommendations in this Report.

Victoria Simpson
LAWYER TO THE COUNCIL AND MONITORING OFFICER

Appendices

None.

Background Papers:

The Terms of Reference of the Audit and Governance Committee, the Reports to full Council of 9 May and 18 July 2012 including appendices, Eastbourne Borough Council's Code of Conduct, the Localism Act and related legislation.

Articles in the Law Gazette and Local Government Lawyer; ACSeS bulletins.