



# The New Standards Regime

## 30 August 2012

Milton Keynes Council

ITEM  
**8**

# Standards – A quick overview

- Standards for England abolished 31 March 2012
- Ceased to exercise regulatory functions on 31 January 2012
- New regime came into force 1 July 2012
- Transitional regulations & regulations defining disclosable pecuniary interests published 8 June 2012

# Standards – A quick overview

- Still need to adopt a code
- Still need to have arrangements for dealing with complaints
- Still have duty to promote high standards of conduct
- There are still provisions for registration and declaration of interests

## Standards Committee TOR

- Establish and maintain arrangements for the determination of complaints that members (both Parish and Principal Council) have failed to adhere to their Code of Conduct
- Co-opted Parish members
- Independent Persons
- Grant of dispensations

## **Arrangements for dealing with complaints – making it work**

- retention of dedicated Standards Committee – 10 elected Members
- NOTE: has to reflect political balance (S101 LGA 1972)

PLUS:

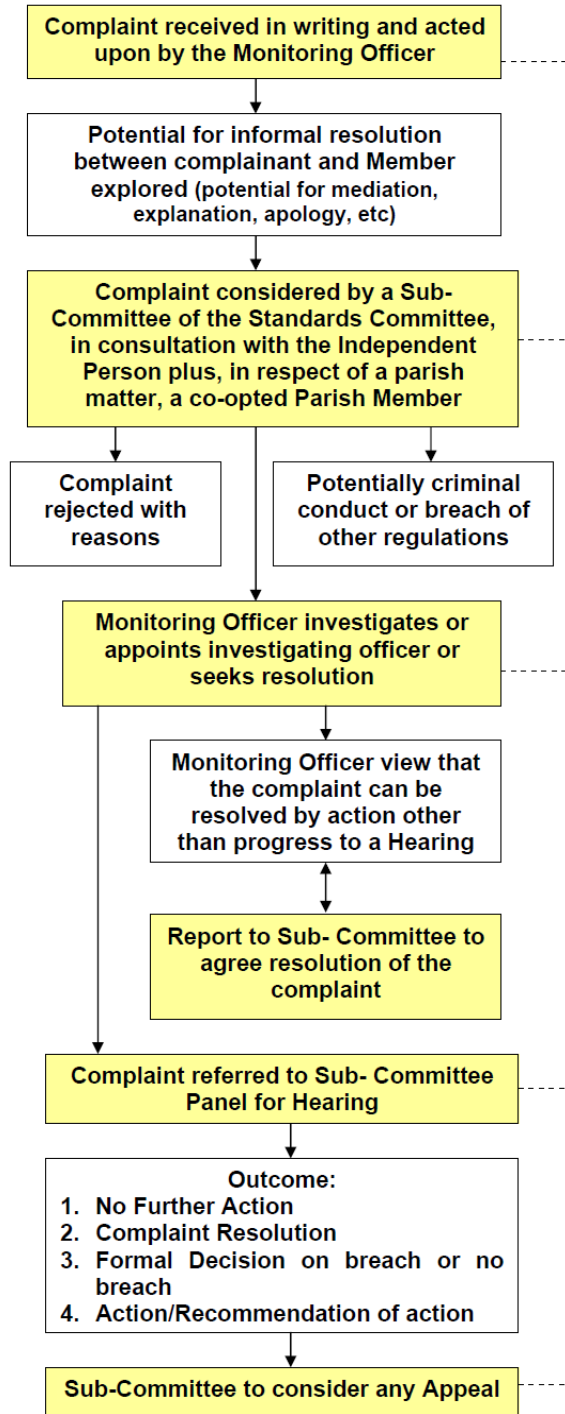
- Between two and four co-opted parish representatives

# What's left?

## Arrangements for dealing with complaints

- arrangements must set out: -
  - how will deal with allegations
  - how will decide if allegation requires investigation
  - how will decide if has been failure to comply with relevant code
  - what action it might take as a result of failure to comply with code

## Flowchart - Procedure



- Process via Monitoring Officer
  - Forms on website
- Decisions by Members
  - In consultation with
    - Independent Person
    - Parish Co-Opted Member

# What's left?

## Sanctions

- Limited range of sanctions now available
- No statutory sanctions
- Power of self regulation  
(*R v Broadland DC ex parte Lashley*)

NOTE: power of suspension removed from 7 June



### What options are there?

- naming and shaming
- report to full Council – is censure more effective if done by full Council?
- remove from outside appointments (can be delegated)
- recommend Group Leader to remove from Cabinet or Committees
- recommend Council to replace as Leader
- withdraw facilities
- bar from the offices and put on single point of conduct

### NOTE:

Milton Keynes Council sanctions have been delegated to Standards Committee by Council (but Standards Committee can refer back to Council)

Parish Council sanctions a matter for the Parish Council

## The Independent Person

- Must appoint at least one Independent Person
  - Advertisement, application and appointment
  - Can be paid allowances and expenses
- Appointment must be approved by Council
- Appointment of Independent Person a joint exercise
  - Interviews 17 July 2012

## The Independent Person

### Functions of Independent Person

- MUST be consulted by authority before it makes a decision on an investigated allegation ( i.e. at hearing stage)
- MAY be consulted by authority in respect of an allegation in any other circumstances - under our procedures will be consulted at initial filtering stage and where a no breach finding made before complaint is closed
- MAY be consulted by member (including parish councillor) who is subject to an allegation – but can't comment on merits or may be conflicted out at later stage
- CANNOT chair Standards Committee or vote – ADVISORY ROLE ONLY

## What are Disclosable Pecuniary Interests?

- Defined by Regulations: the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
  - Employment, office, trade, profession or vocation carried on for profit or gain
  - Sponsorship: payment or other financial benefit in preceding 12 months towards election expenses or expenses in carrying out duties as a member
  - Extant contracts for goods services or works – including with spouse/partner
  - Beneficial interests in land in the Council's area including licences for a month or more

## What are Disclosable Pecuniary Interests?

- Corporate tenancies where Council is landlord and tenant is a body in which you have a beneficial interest
- Beneficial interest in securities of a body which has a place of business or land in Council's area where:-
  - Total nominal (face) value exceeds £25,000 or one hundredth of total issued share capital or
  - If share capital is more than one class, total nominal value of shares in any one class exceeds one hundredth of total issued share capital

NOTE: REGISTRATION AND DISCLOSURE REQUIREMENTS APPLY NOT ONLY TO YOUR INTERESTS BUT ALSO THOSE OF SPOUSE/PARTNER

## Dispensations

- revised grounds for granting dispensations
- parish councils now responsible for granting their own dispensations
- can be granted for any period up to 4 years

### **NOTE: Town/Parish Councils**

Town/Parish Councils need to develop own procedures for dealing with dispensation requests

# What's new?

## Dispensations

### GROUNDS:

1. So many members have DPIs that it would impede the transaction of the business
2. Without the dispensation the strengths of political groups on the body would be so upset as to alter the likely outcome of any vote on the matter
3. Without the dispensation, every member of Cabinet would have DPI prohibition from participating
4. The grant of the dispensation would be in the interests of the inhabitants of the authority's area

OR

5. It is otherwise appropriate to grant the dispensation