

Subject:	Rottingdean Parish Council: adoption of new code of conduct		
Date of Meeting:	25 September 2012		
Report of:	Monitoring Officer		
Contact Officer:	Name:	Oliver Dixon	Tel: (01273) 291512
	Email:	oliver.dixon@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 On 26 June 2012 the Audit & Standards Committee instructed the Monitoring Officer to consult with Rottingdean Parish Council over the new standards regime required by the Localism Act 2011, and to report back to the Committee with details of the code of conduct adopted by the Parish Council in response, including arrangements for the register of Parish Council members' interests.
- 1.2 This report fulfils that instruction.

2. RECOMMENDATIONS:

- 2.1 That the Committee note the report.

3. RELEVANT BACKGROUND INFORMATION:

- 3.1 Under the Localism Act 2011, Brighton & Hove City Council (the 'City Council') has a role to play in the new standards regime applicable to Rottingdean Parish Council (the 'Parish Council'), namely:
 - (i) in assisting the Parish Council interpret and apply the code of conduct, where the code they adopt is the same as that adopted by the City Council;
 - (ii) in establishing and maintaining a register of interests of Parish Council members; and
 - (iii) in investigating and making decisions about allegations of a breach by a Parish Council member of the Parish Council code of conduct.

Items (ii) and (iii) are statutory duties.

- 3.2 In accordance with Audit & Standards Committee instructions, the Monitoring Officer worked with the Parish Council Chairman on the implications of the new standards regime, including the choices available to the Parish Council as regards the adoption of a new code of conduct and the categories of interests contained in the code.
- 3.3 This culminated in a report by the Monitoring Officer to the Parish Council for consideration by their members on 6 August 2012. The report (but not its appendices) is reproduced at **Appendix 1** for information.
- 3.4 The Monitoring Officer's key recommendations were for the Parish Council to adopt the same code and amendment to standing orders as adopted by the City Council on 19 July 2012. The amended standing orders require a member who has declared a disclosable pecuniary interest in an item to leave the meeting room while the matter is debated and voted upon.
- 3.5 The code of conduct recommended to the Parish Council differed from that adopted by the City Council in one respect only: the paragraph on interests arising in relation to overview and scrutiny was removed from the Parish Council version, as overview and scrutiny is not a parish council function.
- 3.6 The Monitoring Officer and another City Council lawyer attended Parish Council members shortly before the start of their full meeting on 6 August 2012, to present the report and to answer queries particularly relating to the legal definition of certain disclosable pecuniary interests as set out in the Regulations¹. Members were also given a copy of DCLG's guide for councillors 'Openness and transparency on personal interests' published on 2 August 2012.
- 3.7 At their ensuing meeting, the Parish Council agreed the Monitoring Officer's recommendations, thus bringing a new code of conduct and an amended set of standing orders into force at the close of business. For reference, the relevant extract from the Parish Council minutes is set out in **Appendix 2**.
- 3.8 The code adopted by the Parish Council requires their members to declare not only disclosable pecuniary interests, a legal duty in any event, but certain other disclosable interests. Parish Council members have duly completed their declaration of interests forms and returned them to the Monitoring Officer. This will enable the Monitoring Officer to discharge his statutory duty of:
- (i) making a copy of the Parish Council register of interests available for inspection at a place in Brighton & Hove (the chosen location being Kings House);
 - (ii) publishing the Parish Council register of interests on the City Council website; and
 - (iii) providing the Parish Council with a copy of the register, to enable it to publish the register on its own website.

¹ The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

- 3.9 The Parish Council will, in accordance with the law, publicise the adoption of its new code of conduct. To complement this, the City Council has made a brief statement on its own website about the Parish Council having adopted a new code.

4. CONSULTATION

- 4.1 The Monitoring Officer and his team briefed Parish Council members both in person and with a full report and other documentation before their meeting on 6 August 2012 to help them reach an informed decision about their duties and options under the standards provisions in the Localism Act.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The costs incurred by the Monitoring Officer in briefing and filing a report to the Parish Council, and in discharging his statutory duties in relation to the Parish Council register of members interests, are covered by the Legal Services revenue budget for 2012/13.

The cost of any investigation and assessment carried out by the Monitoring Officer relating to allegations of a breach of the Parish Council code of conduct would be met from the Legal Services revenue budget. The Monitoring Officer has assessed the likelihood of an investigation of this nature being required as low.

Finance Officer Consulted: Anne Silley

Date: 14/08/12

Legal Implications:

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

Lawyer Consulted: Oliver Dixon

Date: 13/08/12

Equalities Implications:

- 5.3 None

Sustainability Implications:

- 5.4 None

Crime & Disorder Implications:

- 5.5 None

Risk and Opportunity Management Implications:

- 5.6 None

Public Health Implications:

5.7 None

Corporate / Citywide Implications:

5.8 None

SUPPORTING DOCUMENTATION

Appendices:

1. Monitoring Officer report of 6 August 2012 to Rottingdean Parish Council
2. Minutes of 6 August 2012 Parish Council meeting. (Relevant extract only).

Background Documents

1. Part 1, chapter 7, of the Localism Act 2011
2. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. Statutory Instrument no. 2012/1464.
3. 'Openness and transparency on personal interests – a guide for councillors', published by the Department for Communities and Local Government on 2 August 2012.