

Report of	Meeting	Date
Monitoring Officer	Governance Committee	27 September 2012

## UPDATE ON IMPLEMENTATION OF THE NEW STANDARDS REGIME

### PURPOSE OF REPORT

- To update the Committee on the progress of implementation of the new standards regime.

### RECOMMENDATION(S)

- To note the content of the report and support the Monitoring Officers invitation to Members to complete a Disclosable Pecuniary Interests form.

### EXECUTIVE SUMMARY OF REPORT

- The new Code of Conduct has been adopted by this Council which is compliant with the legislative requirements. The Council have also approved a procedure for dealing with complaints to provide certainty of approach.
- At the point of adoption of the Code of Conduct no guidance had been provided in relation to disclosable pecuniary interests. Subsequently, guidance was issued for councillors on how to approach disclosure and this was circulated to members through intheknow.
- No guidance has been issued however in relation to the collation of disclosable pecuniary interests.
- This delay may in part be due to informal challenges to the legislation, particularly in relation to the pecuniary interests requirements. The legislation as drafted is unclear as to the legal disclosure requirements. Given this element has criminal sanctions imposed it is important for the legislation to be clarified and it is understood that the DCLG are presently taking legal advice.
- Although the legal position is unclear it is felt important to provide the opportunity for members to consider their position under the new rules in relation to disclosable pecuniary interests. It is proposed to invite all Councillors to request they complete the disclosure voluntarily online in order to promote transparency of decision making.

Confidential report Please bold as appropriate	Yes	No

### CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	

Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			X

## BACKGROUND

9. Council adopted the new Code of Conduct and procedure for investigation document on 17 July. The Code contained provisions which addressed Disclosable Pecuniary Interests, but at that time no guidance was provided to Councillors as to what should be disclosed beyond the statutory definitions.
10. Subsequently, a guidance document was issued for Councillors by the DCLG. This has been circulated to all members through intheknow. This is the only guidance which has been delivered at this stage and it does seem that Authorities are being left to address this issue themselves.
11. One of the reasons for the delaying addressing this issue is the informal challenge to the legislation made by some interested parties (ACSeS and LGA). The legislation as drawn only requires members to disclose interests within 28 days of their election. As the legislation came into force after the last election there is no legal requirement for members to complete the disclosure of interests at this time. The obligation only applies 28 days after election so there is an argument that the first disclosure by members at Chorley would be for those elected in 2014 (the next local election – subject to any bye-elections).
12. Whilst this may be technically correct, this is clearly not in the spirit of the legislation and it is felt more appropriate, whilst making it clear the legal position is uncertain, to invite members to disclose any pecuniary interests held online. Training will be provided to members on the procedure. The Committee are asked to support this position. It is also proposed to assist Parish Councils by drafting a form for completion by their members.
13. Training sessions have been provided to all members and Parish Clerks on the new Code of Conduct and there will be further sessions taking place at group meetings.
14. The Committee are also asked to note that we have had confirmation from 3 parish councils to date that they have adopted Chorley's Code of Conduct. This assists CBC as it will provide consistency for any members who are asked to consider complaints.

## IMPLICATIONS OF REPORT

15. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

## COMMENTS OF THE STATUTORY FINANCE OFFICER

16. There are no financial implications in this report.

## COMMENTS OF THE MONITORING OFFICER

17. The issues are addressed within the body of the report.

Chris Moister  
Monitoring Officer

There are no background papers to this report.

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Chris Moister	5160	19 September 2012	***