

Wolverhampton City Council

OPEN ITEM

STANDARDS COMMITTEE – ADDENDUM TO REPORT

Councillors' code of conduct/independent persons

1.0 UPDATE TO STANDARDS COMMITTEE REPORT – COUNCILLORS' CODE OF CONDUCT/INDEPENDENT PERSONS

- 1.1 The Commencement Order has now been made, to bring the new Standards arrangements under the Localism Act 2011 into force on 1 July 2012.
- 1.2 In addition, the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 which define Disclosable Pecuniary Interests (DPI) under the new regime have been made and these Regulations also come into force on 1 July 2012.

2.0 THE NEW STANDARDS REGIME

- 2.1 The new arrangements for Standards and the Conduct of Councillors include; a Code of Conduct, based on 'Nolan Principles' – (Paragraph 3 of the Report to Standards Committee); the involvement of an independent person in allegations of misconduct (Paragraph 4); the preparation by the Monitoring Officer of a Register of Councillors' Interests; the power to make standing orders, to provide for the exclusion of a Councillor or Co-opted Councillor with a DPI from meetings; the power to grant a dispensation to enable a Councillor or Co-opted Councillor with an interest to participate in Council business and the creation of certain offences created under the new Regime.
- 2.2 The Order provides for a transitional measure relating to independent persons. It allows an Authority to appoint a person who is currently the independent chair or member of the existing Standards Committee as its "independent person" with the statutory role of giving views on any complaint about the conduct of a Councillor or Co-opted Councillor. It is recommended that the Council utilises this provision pending recruitment of the Independent Person(s) in accordance with recommendations (b), (c) and (d) of the Report to Standards Committee.
- 2.3 These provisions come into force by virtue of the commencement order on 1 July 2012.

3.0 THE RELEVANT AUTHORITIES (DISCLOSABLE PECUNIARY INTERESTS) REGULATIONS 2012

- 3.1 Section 30 of the Localism Act 2011 provides that a Councillor or Co-opted Councillor, on taking office, in meetings or when acting as an Individual Cabinet Member when undertaking a Green Decision, must notify the Monitoring Officer of any DPI, which that person has at the time of notification. The Regulations specify what is a DPI and details are provided at paragraph 3.3
- 3.2 Disclosure applies to a Councillor, Co-opted Councillor and:-
 - (i) a spouse or civil partner,
 - (ii) a person with whom the Councillor is living as husband and wife, or

(iii) a person with whom the Councillor is living as if they were civil partners,

And the Councillor is aware that that other person has the interest.

3.3 Disclosable Pecuniary Interests

Employment, office, trade, profession or vocation	Carried on for profit or gain
Sponsorship	Any financial benefit expenses of being a Councillor or election concerning the expenses. (Member allowances are excluded). Including any payment from a TU
Contracts	a) Under which goods and services are provided or works executed; and b) Which has not been fully discharged
Land	Any beneficial interest in land in the area of the Authority
Licences	Licence (alone or jointly) to occupy land in the area for one month or longer
Corporate tenancies	a) the landlord is the relevant authority; and b) the tenant is a body in which the relevant person has a beneficial interest
Securities	Where the body has business or land in the area, and either (i) total nominal value of £25,000 or 1/100 total issued share capital; or ii) if share capital is of more than one class, the total nominal value of the shares in one class with total issued share capital of 1/100th