

SUBJECT	Code of Conduct and complaints procedures for Buckinghamshire Council as a Shadow Authority
RELEVANT MEMBER	Councillor David Anthony, Chairman of Audit and Standards Committee
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WARD/S AFFECTED	None

1. Purpose of Report

This report informs the Committee about the standards arrangements in place for members during the Shadow Authority period for Buckinghamshire Council.

RECOMMENDATION

That the Committee note this report

2. Reasons for Recommendations

All members of South Bucks District Council are automatically members of the Shadow Authority for Buckinghamshire Council and therefore will be subject to the standards arrangements in place when acting in that capacity.

3. Content of Report

- 3.1 The Buckinghamshire (Structural Changes) Order 2019 came into force on 23 May 2019 and creates a Shadow Authority for the non-metropolitan district council of Buckinghamshire which is established on 1 April 2020. The Order provides that Part 7 of the Localism Act 2011 dealing with standards applies in relation to the Shadow Authority, as if it were a district council (but not a principal authority in relation to a parish council). The Shadow Authority is therefore required to promote and maintain high standards of conduct and to adopt a code dealing with the conduct that is expected of its members when they are acting in that capacity. The Shadow Authority must also have arrangements in place for investigating allegations that a member has failed to comply with the code of conduct. The requirement to compile, maintain and publish a register of members' disclosable pecuniary interests also applies, together with the requirement for members to declare if they have a disclosable pecuniary interest in any item of the Shadow Authority's business, and not to take part in the discussion or vote on that item.
- 3.2 At the first meeting of the Shadow Authority held on 3 June the code of conduct attached at Appendix A was adopted. Members must abide by this code when acting in their capacity as

members of the Shadow Authority. The Committee will note that code contains 7 general obligations as to member conduct. These are broadly similar to the obligations in the Council's code. The statutory requirement to disclose pecuniary interests is included in the code but a lighter touch is adopted in relation to the disclosure of other personal and prejudicial interests (called "non-statutory disclosable interests"). This reflects the fact that the Shadow Authority has no regulatory functions. The Committee's attention is also drawn to the protocol which the Shadow Authority has adopted for dealing with relationships between members and officers which is attached at Appendix C.

- 3.3 The Shadow Authority also adopted the arrangements for dealing with complaints about members conduct at Appendix B. This provides for complaints to be made to the Shadow Authority's monitoring officer who has authority to decide whether or not a complaint which discloses a breach of the code should be referred for investigation in consultation with an Independent Person. The referral criteria are similar to those adopted by the Council. Following an investigation again the Shadow Authority's monitoring officer can decide whether the complaint should be referred for a hearing which will be conducted by the Shadow Overview and Scrutiny Committee.
- 3.4 Members still remain subject to South Bucks District Council code of conduct and complaints procedure when acting in their capacity as South Bucks councillors until 1 April 2020 when the council is abolished. After that date and until the local elections in May members must comply with the Shadow Authority code of conduct. Members who are not re-elected will retire from the Authority on the 4th day after the local elections.
- 3.5 A new code of conduct and standards arrangements will be developed for Buckinghamshire Council having regard to the recent report on local government standards published by the Committee on Standards in Public Life. This will be the subject of a future report to this Committee

4. Consultation

Not applicable

5. Options

This report is for noting.

6. Corporate Implications

Financial - None

Legal – As set out in the report

Risks issues – None

Equalities - None

7. Links to Council Policy Objectives

No direct links to the Council's main objectives but awareness of the standards arrangements for the Shadow Authority is part of ensuring good governance generally.

8. Next Steps

A report on the standards arrangements for Buckinghamshire Council will be brought back to a future meeting of the Committee.

Background Papers:	None except those referred to in the report
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