

2. STANDARDS COMMITTEE – INCREASE IN MEMBERSHIP & APPOINTMENT OF INDEPENDENT MEMBER (A.1118/EWJ)

Proposal

1. This report updates the Authority on changes to the current framework for standards in local government. The Authority is requested to agree to the increase in the membership of the Standards Committee and the appointment of an additional Independent Member to enable the Committee to handle the new procedures for considering complaints under the Members Code of Conduct which will be operative from 1st April 2008.

2 RECOMMENDATION:

1. That the changes to the functions of the Standards Committee under the Local Government and Public Involvement in Health Act 2007 be noted.
2. That the membership of the Standards Committee be increased to 9 members by the appointment of two Members of the Authority and one Independent Member.
3. That one Council appointed member and one Secretary of State appointed Member (National or Parish) be appointed to the Standards Committee.
4. That the Chair of the Authority, the Vice-Chair of the Standards Committee and one other Member be appointed as a panel to interview applicants for the position of an Independent Member of the Standards Committee.
5. That the panel make a recommendation to the Authority meeting in February 2008 for an appointment for a period of four years.
6. That all attendances by the panel members for short listing and interviewing purposes be an approved duty for the payment of travelling and subsistence allowances.

Policy/Legal background

Standards Committee

3. The Standards Committee is a statutory committee appointed by the Authority under S.53 (1) of the Local Government Act 2000. The committee have specific and general functions, including promoting standards of ethical conduct of Members and carrying out local determinations of allegations of breaches of the Members Code of Conduct.
- 4.. The recent Local Government and Public Involvement in Health Act 2007 contains provisions that change the current framework for standards in local government. The main changes are set out in the Appendix.

Key Issues

5. Receipt, assessment and determination of complaints
6. From April 2008 the Standards Board will no longer receive complaints direct and will only carry out investigations in exceptional circumstances.
7. Any allegations about breaches of the Members Code of Conduct will be made direct to the Standards Committee of the Authority which will be responsible for deciding whether any action needs to be taken (referred to as 'local assessment').

8. To take a complaint through to a local hearing the Standards Committee will be involved in several stages of the process as explained in the Appendix para 2.

Size of the Standards Committee

9. The Standards Committee has 6 members including two Independent members. The Committee can operate through a sub committee but the quorum for this is three members which must include one of the Independent Members.
10. One of the concerns that has been expressed nationally is the ability of small Standards Committee to handle up to possibly four stages of the complaints process without the risk of there being a conflict of interests through some members of the committee becoming biased by involvement in more than one stage of the key processes, or a member not able to participate by having a prejudicial interest in the matter or not able to attend a particular meeting or hearing.
11. Local authorities will have the power to set up joint Standards Committees with other local authorities. The Authority has a very low level of complaints about Members and this is not expected to increase under the new code. It is felt that a joint working arrangement with another local authority could increase the workload of the committee members with them being called upon to be part of the complaint handling process for the other authority which may also have responsibilities for a large number of parish councils. However we will continue to monitor any arrangements made locally for joint committees in case benefits of working with other authorities become apparent.
12. Where an authority has not entered into any joint working arrangements the Standards Board's initial view is that a Standards Committee could operate effectively in handling a complaint with 9 members.
13. The Standards Board are currently preparing guidance based on what it anticipates the regulations will contain. This cannot be published until the final regulations are in place. It is not known whether the regulations or the guidance will address the possible conflict of interests issue where there are no joint working arrangements.
14. It is proposed that the membership of the Standards Committee be increased, without waiting for the publication of the regulations and the guidance, to 9 members by the appointment of two members of the Authority and the appointment of one additional Independent member. The larger Committee will then be in place well in advance of April 2008 so that training in the new local assessment responsibilities can be carried out.
15. The current members of the Standards Committee are:

Council Members

Clr Mrs J Bevan

Clr Mrs I Ratcliffe

Independent Members

Mr R Ashworth

Mrs J M Carr -Vice-Chair

Secretary of State Members

Mrs S Prince

Mr J C Fearn

Appointment of an Independent member

16. The appointment of an Independent member is governed by the Local Government Act 2000 and The Relevant Authorities (Standards Committee) Regulations 2001. This requires the appointment to be approved by a majority of Members of the Authority following public advertisement, submission of an application form and an interview. The

usual term of appointment is four years which can be renewed.

17. In the past a panel of the Chair of the Authority, the Chair of the Standards Committee and one other Member (Mrs A Ashe) has been appointed to interview applicants and make a recommendation for appointment to an Authority meeting. The position of Chair of the Standards Committee is vacant at the moment so it is proposed that the panel includes the Vice Chair Mrs J Carr who is also an Independent member.

APPENDIX

Background

1. The key changes to the standards framework under the Local Government and Public Involvement in Health Act 2007 are:
 - Standards committees will be responsible for receiving allegations and deciding whether any action needs to be taken (referred to as 'local assessment').
 - Standards committees must be chaired by an independent member.
 - Standards committees will report periodically to the Standards Board.
 - Standards committees will be allowed to enter into joint working arrangements with other standards committees.
 - The Standards Board will be responsible for monitoring and ensuring the effectiveness of local arrangements, including supporting authorities which are experiencing difficulties and driving up their performance.

Processing a complaint

2. From April 2008 the Standards Committee's involvement in a complaint against a Member will be at the follows stages:
 - To receive and consider an allegation about a breach of the Members Code of Conduct and to decide whether any action needs to be taken (referred to as 'local assessment').
 - To review a decision to take no further action on a complaint following a request for a review made within 30 days by the person who made the allegation.
 - To receive a report following an investigation into an alleged breach of the Code and to decide if the matter should be determined by a local hearing.
 - To hold a hearing and impose an appropriate sanction if the allegation is upheld.

Politically restricted posts

3. The Committee will also take over responsibilities under the Local Government and Housing Act 1989 in respect of the Authority's "politically restricted posts". The Committee will have power to consider applications from staff in such posts for exemption from political restriction. The committee will be able to issue a direction to the Authority that a post is not to be regarded as a politically restricted. It will also be able to issue a direction to the Authority that a post is to be regarded as a politically restricted post. The functions are currently carried out by an Independent Adjudicator appointed by the government.

Resources

4. Any costs incurred in implementing the proposals recommended in the report will be funded from the current and future budget allocation.

Risk Management

5. The increase in the size of the Standards Committee will mitigate any risk that the Committee will not be able to carry out its functions in processing a complaint under the members Code of Conduct.

Human Rights, Equalities, Health & Safety

6. There are no implications arising out of the proposal. The vacancy for an Independent Member will be advertised to encourage applicants from diverse backgrounds.

Consultees

7. Chief Executive, Head of Law, Authority Chair, Vice Chair of the Standards Committee.

Enclosures

8. None

List of Background Papers (not previously published)

9. None.

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11. 29 November 2007