

Item no.

Report to: **District Council**

Date: **3 April 2008**

Report of: **Monitoring Officer**

Subject: **Amendment to the Constitution and Powers of the Standards Committee**

Ward: **All**

The purpose of the report is to obtain Council approval to amend Article 9 of the Constitution and Paragraph 23 of the Council Procedure Rules in the form of the annexed Appendix.

Consultation

Prior to preparing this report, all Councillors and Members of the Standards Committee have been consulted on the changes proposed by DCLG rendering these amendments necessary.

Background

DCLG have consulted on their intention to transfer responsibility for receipt, investigation and determination of complaints from the Standards Board for England to Local Standards Committees. The more serious cases will continue to be referred to the Adjudication Panel for England but all complaints will, from a date to be specified, be referred to the Local Standards Committee rather than the Standards Board. The original intention had been to implement these changes with effect from 1 April 2008 but regulations require Parliamentary approval before that process can be completed and it is understood that the changes will not be made until after the May 2008 Elections at the earliest.

The purpose of this report is to identify the changes which need to be made to enable the Council to operate the new arrangements and to obtain Council approval to those changes. The workload of the Standards Committee will be increased. Members who participated in the original decision not to investigate a complaint will not be permitted to participate if the complainant requests that decision be reviewed. The Committee must from 1 April 2008, be chaired by an independent representative and it will be best practice to have an independent chair of each of the Sub-Committees hearing complaints at their various stages. Any complaint against a Parish Councillor must involve at least one Parish Member on the Sub-Committee. It is therefore no longer sufficient to have two Independent and Parish Members and steps are being taken to recruit an additional Independent and Parish Member as identified in the consultation documents circulated to Members previously. In order to maintain the original balance of the Committee and in order to ensure availability of sufficient Members to form Sub-Committees if there is an increase in business it is recommended that Council representation on the Standards Committee be increased to six when the Council holds its Annual Meeting next month.

Implications

Financial

There are no significant financial implications.

Legal

These changes are necessary to comply with the Local Government and Public Involvement in Health Act 2007 and Regulations to be made under that Act.

Policy

None

Risk

Failure to make these changes could result in the Council being unable to discharge its standards functions in a timely fashion.

Communications

Once the operative date has been set by Parliament, the Council's complaints literature will be amended to make it clear that complaints against Councillors should in future be directed to the Standards Committee and necessary steps will be taken to ensure the public are aware of those changes.

Corporate

None

Equality and Diversity

None

E.Government

None

Procurement

None

LGR

None

Recommendations:

The Council are recommended to approve the amendments to Article 9 of the Constitution and Paragraph 23 of the Council Procedure Rules set out on the annexed Appendix.

Background Papers

DCLG Consultation Paper on the proposed changes.

DT/CB/REPORTS/080300
11.3.08