

Item 5

REPORT TO STANDARDS COMMITTEE

3RD JULY 2008

REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

Strategic Leadership

THE IMPLEMENTATION OF THE LOCAL ASSESSMENT OF COMPLAINTS REGARDING MEMBERS' CONDUCT AND CHANGES TO THE STANDARDS COMMITTEE, EFFECTIVE FROM THE 8TH MAY 2008

1. **SUMMARY**

- 1.1 The Local Government and Public Involvement in Health Act 2007 received Royal Assent on the 30th October 2007. One of the significant effects of the Act, for the Standards Committee, was the introduction of a locally managed framework of compliance with the Code of Conduct, which involves the Standards Committee in making initial assessments of any allegations that the Council receives about member misconduct. In most cases, any complaint that requires further action will be investigated and decided locally, without the involvement of the Standards Board for England.
- 1.2 From the 8th May 2008, Standards Committees throughout England have three distinct roles in relation to complaints about member conduct:
- Receiving and assessing complaints.
 - Reviewing local assessment decisions
 - Conducting hearings following an investigation into the complaint
- 1.3 This Report identifies the steps that need to be undertaken in order to fully implement these changes.

2. **RECOMMENDATIONS**

- 2.1 That Standards Committee notes the Report.

3. **IMPLEMENTING THE REGULATIONS AND THE WAY FORWARD**

- 3.1 Regulations have just been published, setting out how the new roles of the Standards Committee will work in practice, and monitoring arrangements for the process.

- 3.2 To support local authorities, the Standards Board have produced a range of comprehensive guidance on the new framework for local authorities for local assessment.
- 3.3 A number of implications arise for the Borough Council from these regulations. The Standards Board for England has made a number of recommendations relating to the size and remit of the Standards Committee following a pilot introduction of the requirements of the Act of 2007, in a number of authorities across the country.
- 3.4 Standards Committees must now have a minimum of three members (including the Independent member) although in practice the Standards Board recommends that each Committee has a minimum of six members (three elected members and three independent members). The current composition of the Borough Council Standards Committee is as follows:-
- 8 members in total including
 - 1 Cabinet member
 - 4 Non-Cabinet members
 - The Chair is an Independent Co-optee
 - There are two Independent Co-optees on the Committee
 - There is one Parish/Town Council representative

To avoid perceptions of bias or pre-determination, members who carry out a local assessment decision, should not be involved in a review of the same decision, in the event that a review is requested. In order to overcome this, the Standards Board recommend that at least two Sub-Committees are set up to deal with the different roles. Alternatively, the Standards Committee could act as a “pool” of members in a similar way to the Borough Council’s Appeal Panels. Regardless of the structure, Sub-Committees set up to either undertake an initial assessment or to review a decision, must be chaired by an Independent member.

- 3.5 From a practical perspective, the Standards Committee now needs to be sufficiently large to allow for possibilities of non-availability or conflict of interest. This needs to be balanced with the anticipated levels of activity that the Standards Committee will be required to undertake, as the Council approaches abolition.
- 3.6 Management Team have considered the structure of the Standards Committee in light of the circumstances, and the recommendation that the number of Independent members be increased from two to three, in order to further ensure availability. Given the current situation of the Borough Council, in the Local Government Review, it was suggested that in order to avoid the need for further advertisement, etc. that the Co-optee on the Audit Committee be invited to take up this role. It was also recommended that parish membership be increased from one to two members.

3.7 Again, given the circumstances of the Borough Council, it is recommended that the Standards Committee is used as a “member pool” and that the Monitoring Officer be given delegated authority to appoint the members of Sub-Committees as and when required from that “pool” in order to constitute relevant Sub-Committees for the roles of:

- (a) receiving complaints
- (b) reviewing assessment decisions, and
- (c) conducting hearings

This will therefore involve the minimum amount of change to the existing composition of the Committee.

3.8 There are also publicity and information implications regarding the new regulations. Management Team have considered the need for further information on the website and other public arenas, not just to publicise the change in legislation but to clarify the role of the Committee and the Code of Conduct for members.

3.9 The website currently includes the Code of Conduct and the Council’s Constitution, wherein the remit of the Committee is fully explained.

3.10 Additional text will be required to be made available to explain how and to whom complaints should be submitted regarding members, as there is no information currently showing how the new arrangements will operate.

4. RESOURCE IMPLICATIONS

4.1 There are staffing implications albeit that much depends upon the number of complaints that are received. It is considered the position be kept under review initially.

5. CONSULTATIONS

5.1 Management Team has considered this Report.

5.2 This Report has been to Cabinet for information.

6. OTHER MATERIAL CONSIDERATIONS

6.1 The majority of Councillors have now been trained on the revised Code of Conduct.

6.2 The Standards Board for England has publicised a training exercise for Standards Committees, which aims to prepare them for the forthcoming changes to the Standards framework.

7. CONSTITUTIONAL AND OTHER LEGAL IMPLICATIONS

7.1 Legal implications of implementing the new regulations have been taken into consideration in the main body of the Report.

7.2 In addition, it has been necessary to change the Constitution to reflect the proposals in this Report for:

- changes to the composition of the Standards Committee
- the new remit of the Standards Committee
- the addition of a procedure for determining allegations against Councillors
- a statement of sanctions available to the Standards Committee when dealing with complaints

7.3 A Report setting out, precisely, the amendments necessary to be made to the Constitution, has been approved by Council on the 16th May 2008.

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Ward(s)

Key Decision Validation

Background Papers

Standards Committee (England) Regulations 2008

Section 53 of the Local Government Act 2000 (Section 49(6)) Part 3 Section 57A (inserted by Sections 57B to 57D, and Section 58) by Section 185 of the Local Government and Public Involvement in Health Act 2007