

Meeting: COUNCIL

Date of Meeting: 8 MAY 2008

Title of Report: STANDARDS COMMITTEE – LOCAL ASSESSMENT

Report of:

Mrs C J Elwood
Legal Director

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This report contains	Yes	No
CONFIDENTIAL Information/		√
EXEMPT information by virtue of paragraph(s).....of Part 1 of Schedule 12A to the Local Government Act, 1972 (If information <u>is</u> marked exempt, the Public Interest Test must be applied and favour the exclusion of the information from the press and public).		√
Is the decision on this report DELEGATED?		√

1.0 Purpose of Report

To advise Members that new regulations have been brought into effect from 8 May 2008 which provide that any complaints against Members alleging breach of the revised Code of Conduct will no longer be assessed by the national Standards Board for England. Instead, all complaints in relation to Sefton Councillors will need to be assessed and dealt with by the Council's own Standards Committee. Accordingly there is an urgent need to increase the size of the Committee and to review the terms of reference.

2.0 Recommendation(s)

- 2.1.1 That the number of Elected Members on the Standards Committee (currently 1-1-1) be increased to 1-1-1 plus a Cabinet Member at 8th May Council. Two further interim nominations to be made at May Council to be confirmed in full at July Council.
- 2.1.2 A public advertisement is placed to recruit a third additional Independent Member with a view to approving the appointment at July Council.
- 2.1.3 That an additional Parish Representative is sought from the Sefton Area Partnership of Local Councils.
- 2.1.4 That the terms of reference of the Standards Committee Assessment Sub-Committee and Review Sub-Committee as set out at Annex 1 be approved.
- 2.1.5 That training for all Members/interim and substitute Members of the Committee be arranged.

Corporate Objective Monitoring

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1.	Creating a Learning Community		√	
2.	Creating Safe Communities		√	
3.	Jobs and Prosperity		√	
4.	Improving Health and Well-Being		√	
5.	Environmental Sustainability		√	
6.	Creating Inclusive Communities		√	
7.	Improving the Quality of Council Services and Strengthening local Democracy	√		
8.	Children and Young People		√	

Financial Implications

	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
<u>CAPITAL EXPENDITURE</u>				
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Departments consulted in the preparation of this Report

Not applicable

List of background papers relied upon in the preparation of this Report

Local Government and Public Involvement in Health Act 2007

Standards Board Guidance Toolkit

The Standards Committee (England) Regulations 2008

3.0 Report

3.1 Introduction

The Local Government and Public Involvement in Health Act 2007 brings in new provisions to provide for a revised ethical conduct regime for Local Government. In future Local Standards Committees will receive and assess initial allegations of misconduct and the majority of investigations and determination of cases will take place at a local level. The DCLG issued a Consultation Paper in January this year with detailed comments requested by the 15th February 2007. The results of the Consultation Paper were issued at the beginning of April and the Government has now laid new regulations bringing the new arrangements into force with effect from the 8th May 2008. This means that with effect from the new Civic Year any complaints of Members' misconduct under the Code of Conduct will no longer be assessed by the national Standards Board for England. Instead all complaints in relation to Sefton Councillors and Sefton Parish Councillors will need to be assessed and dealt with by the Council's own Standards Committee.

4.0 Procedure

4.1 In order to avoid conflicts of interest the Government proposes that the initial assessment of complaints and any subsequent review of the initial decision must be carried out by separate Sub-Committees, both Chaired by an Independent Chairman. The full hearing of any complaint however may be heard by Members who were involved with either the initial assessment or the review of that decision.

4.2 In future the Standards Committee will be able to refer an allegation it receives to the Monitoring Officer who will be required to investigate the complaint and make a report or recommendation to the Standards Committee. In certain circumstances the Committee can actually direct the Monitoring Officer to tackle the problem on a more practical basis, such as, the provision of training or mediation. During the course of the investigation the Monitoring Officer may refer the case back to the Standards Committee if new evidence comes to light suggesting the matter is more or less serious than appeared initially or the Member has died or become seriously ill and

the Monitoring Officer is of the opinion that it is not appropriate to continue with the investigation.

- 4.3 Standards Committees will now be hearing more serious cases. Accordingly the maximum sanction which a Standards Committee can impose will be increased from three months to six months suspension or partial suspension from Office. In the most serious cases the Standards Committee will be able to refer the complaint to the Standards Board/Adjudication Panel.

5.0 Standards Board Role

The Standards Board itself will be undertaking a more strategic role providing guidance and support to Standards Committees themselves and to Monitoring Officers. They will also have a role in monitoring performance to ensure consistency of standards across the country. Monitoring will involve Authorities completing periodic online returns and producing an annual report for the Standards Board. If an Authority fails to carry out their duties within reasonable timescales etc the Standards Board can direct that their functions are suspended until further notice.

6.0 Joint Working

Standards Committees will also be able to work jointly with a view to making efficient use of common resources and aid the sharing of information, expertise, advice and experience. It is for each Standards Committee to decide individually which of its functions it would like to operate jointly with any other Standards Committee, for example, some Committees may choose to operate jointly only for the initial assessment of allegations, whilst others may prefer to extend the arrangements to cover the hearings and determinations.

7.0 Size of Standards Committee

- 7.1 Unfortunately the regulations have come in at very short notice leaving the Authority little time to properly prepare. There is an urgent need to review the composition and increase the size of the Standards Committee so that it may properly undertake this new role. Currently the membership of the Standards Committee is three Elected Members (1-1-1), one Parish Representative and two Independent Members. The Authority needs to move to a position where the composition of the Standards Committee is six Elected Members (2-2-2), two Parish Representatives and three Independent Members. In order to recruit a permanent Independent Member the Authority must advertise the post, invite applications and approve the appointment at Full Council. Realistically this would mean a third Independent Member could not be appointed before July Council. The requirement for two Parish Council Representatives comes into effect on the

8th May and arrangements have been put in hand to seek an additional nomination from the Sefton Area Partnership of Local Councils.

- 7.2 Unfortunately it will not be possible to increase the full membership of the Committee to six at May Council due to the statutory requirement that Independent Members must comprise at least 25% of the Committee. It is therefore recommended that the Authority moves to four Elected Members from May Council (to include a Cabinet Member) with a further two Members appointed as Shadow Members to take full membership of the Committee with effect from July Council. This proposal will allow training for all Members to take place as complaints may well come in within the two months period between May 8th and July 10th.
- 7.3 The proposal is that the 11 Members of the Committee will form a panel from which membership will be drawn for the Sub-Committees.
- 7.4 The importance of the new role of the Standards Committee cannot be underestimated. It is important that any nominated Members appreciate the new profile of the role and are prepared to attend training sessions on the new arrangements.

8.0 Terms of Reference

There is a need to establish two new Sub-Committees with new terms of reference and to revise the terms of the Standards Committee itself. The Hearings Sub-Committee will now be repealed. Proposed revised terms of reference are attached at Annex 1 for the Assessment Sub-Committee, Review Sub-Committee and Standards Committee itself.