

**MEETING:** STANDARDS COMMITTEE  
**DATE:** 4<sup>TH</sup> JUNE 2008  
**REPORTING OFFICER:** STRATEGIC DIRECTOR, CORPORATE & POLICY  
**SUBJECT:** STANDARDS COMMITTEE – DEVELOPMENTS  
**WARDS:** BOROUGH WIDE

## **1. PURPOSE OF REPORT**

- 1.1. To bring Members of the Committee up to date with recent developments in the law, and to seek the establishment of an Assessment Sub-Committee and Review Sub-Committee, to agree assessment criteria, to establish a procedure for appointment of a new Independent Member and Parish Member to the Standards Committee and to give consideration to mutual arrangements with other nearby authorities with regard to Independent Members.

## **2. RECOMMENDATIONS**

- 2.1 The report be noted
- 2.2 That an Assessment Sub-Committee be established comprising of three Standards Committee Members chaired by an independent person.
- 2.3 That a Review Sub-Committee be established comprising of three Standards Committee Members and chaired by an independent person.
- 2.4 That the Committee approve the establishment of mutual arrangements with nearby authorities with regard to Independent Members when necessary.
- 2.5 That the Constitution be amended to reflect the fact that Code of Conduct Complaints are now to be made to the Standards Committee rather than the Standards Board for England
- 2.6 That Council be asked to approve these recommendations and that any consequential Constitutional changes are made
- 2.7 That the assessment criteria set out in the guidance document “Local Assessment of Complaints” be adopted.

### **3. SUPPORTING INFORMATION**

- 3.1 A copy of Bulletin 38, released by the Standards Board of England since the last meeting of the Committee, is attached as Appendix 1. This provides a helpful summary of the changes in the law and the new requirements upon Councils for the local assessment and determination of complaints.
- 3.2 In addition, the Standards Board for England has issued two sets of guidance, Local Assessment of Complaints, and the Role and Make-up of Standards Committees. These are appended to the Report as Appendix 2 and Appendix 3 respectively.
- 3.3 The Standards Committee (England) Regulations 2008 now require that there must be at least two Parish Members of a Standards Committee when a Council is responsible for Parishes. The requirement that at least 25% of a Standards Committee must be made up of independent members remains.
- 3.4 To take account of these changes, Members will recall that the last meeting of this Committee recommended to the Council that the Constitution be amended to provide for a further independent member and Parish Member of this Committee. The Council approved this recommendation on 16<sup>th</sup> May last, and a press advertisement has now been placed to seek a further independent member. In addition, the Cheshire Association of Local Councils has written to the Clerks and/or Chairs of all six Parish Councils to seek nominations for the new Parish Member.
- 3.5 Members are asked to agree a procedure for making these appointments following the exercise. It is suggested that the Chair of the Committee and an Elected Member together with the Monitoring Officer interview applicants for the independent member vacancy. The existing Parish Member may well wish to be involved in the interviews for the new Parish Member.
- 3.6 The advertisement for the new Independent Member gave a closing date for applications of 12<sup>th</sup> June 2008. It is hoped that a decision can be made by full Council on 16<sup>th</sup> July 2008. It would be ideal if the new Parish Member could be confirmed at the same time. The Committee is asked to agree that the recommendations of the Interview Panel be referred direct to full Council, given that the next meeting of this Committee is not until 10<sup>th</sup> September 2008.
- 3.7 Section 57A of the Local Government Act 2000 requires that a Standards Committee must appointment a Sub-Committee chaired by an Independent Member to carry out initial assessments of allegations.

It must also appoint a sub-committee chaired by an Independent Member to carry out reviews under Section 57B of the Local Government Act 2000.

- 3.8 Nothing in the regulations requires a Sub-Committee of a Standards Committee to have fixed membership or Chairmanship. In those circumstances, it is recommended that the two Sub-Committees be established comprising of three Standards Committee Members each, both to be chaired by an independent person, but with membership on each occasion that it is necessary to meet, to be drawn from the Standards Committee at that time.
- 3.9 An independent member of one Standards Committee may also sit on other Standards Committees. Independent Members may be temporarily appointed to another Standards Committee to consider a particular assessment, review or hearing or for a particular period of time. For example, it would be appropriate to appoint an Independent Member of a neighbouring Standards Committee for a short period in situations where the permanent Member is unwell or there is a conflict of interest. These appointments do not need to be ratified by a majority of Members of the Council, but proper procedures should be in place to appoint independent members on a temporary basis. It is suggested that this Committee agree to the appointment of Independent Members from other authorities should the need arise for particular cases, and that the method of appointment should be interview by the Chair, an elected Member of the Committee, and the Monitoring Officer.
- 3.10 The Standards Committee is required to publish details of the procedures it will follow in relation to any written allegation received about a Member. The Committee or its Assessment Sub-Committee must also develop criteria against which it assesses new complaints and decides what action, if any, to take. The criteria should reflect local circumstances and priorities and be simple, clear and open. They should ensure fairness for both the complainant and the subject member.

Sample assessment criteria are set out on page 12 of Appendix 2 to this report, and it is suggested that the Standards Committee adopt them.

#### **4. POLICY IMPLICATIONS**

- 4.1 There are no specific policy implications, but the recommendations contained in the report will clarify the method by which the Standards Committee will carry out assessments, reviews, and hearings.

#### **5. OTHER IMPLICATIONS**

None

**6. IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

6.1 Children and Young People in Halton – None

6.2 Employment, Learning and Skills in Halton – None

6.3 A Healthy Halton – None

6.4 A Safer Halton – None

6.5 Halton's Urban Renewal – None

**7. RISK ANALYSIS**

7.1 No key issues have been identified which require control measures. It is clear that the processes by which the Standards Committee deals with complaints must be compliant with changing legislation.

**8. EQUALITY AND DIVERSITY ISSUES**

None

**9. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

None under the meaning of the Act.