



**Standards Committee**

**Wednesday, 9 September 2009 at 3.00  
p.m.**

**Committee Room 1, Runcorn Town Hall**



**Chief Executive**

**COMMITTEE MEMBERSHIP**

**Mr Bill Badrock (Chairman)**

**Parish Councillor Ronald Crawford**

**Parish Councillor Canon David Felix**

**Mr Robert Garner**

**Mr Tony Luxton**

**Councillor Philip Balmer**

**Conservative**

**Councillor Stan Parker**

**Labour**

**Councillor Linda Redhead**

**Liberal Democrat**

**Councillor Kevan Wainwright**

**Labour**

**Councillor Mike Wharton**

**Labour**

*Please contact for further information.*

*The next meeting of the Committee is on Wednesday, 11 November 2009*

**ITEMS TO BE DEALT WITH  
IN THE PRESENCE OF THE PRESS AND PUBLIC**

**Part I**

<b>Item No.</b>	<b>Page No.</b>
<b>1. MINUTES</b>	
<b>2. DECLARATIONS OF INTERESTS</b>	
Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda no later than when that item is reached and, with personal and prejudicial interests (subject to certain exceptions in the Code of Conduct for Members), to leave the meeting prior to discussion and voting on the item.	
<b>3. STANDARDS FOR ENGLAND PAPER - SUSPENDING A STANDARDS COMMITTEE'S ASSESSMENT AND REVIEW FUNCTIONS</b>	<b>1 - 5</b>
<b>4. WORK PROGRAMME</b>	<b>6 - 7</b>
<b>5. JOINT STANDARDS COMMITTEE GUIDANCE</b>	<b>8 - 43</b>
<b>6. OTHER ACTION GUIDANCE</b>	<b>44 - 62</b>
<b>7. STANDARDS BOARD INFORMATION ROUND-UP</b>	<b>63 - 70</b>

*In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.*

**REPORT TO:** Standards Committee

**DATE:** 9<sup>th</sup> September 2009

**REPORTING OFFICER:** Strategic Director - Corporate and Policy

**SUBJECT:** Standards for England Paper – Suspending a Standards Committee’s Assessment and Review Functions

**WARDS:** N/A

## **1.0 PURPOSE OF THE REPORT**

1.1 To introduce Standards for England’s recent paper setting out the circumstances in which it may suspend a Standards Committee’s Assessment and Review Functions

## **2.0 RECOMMENDATION**

2.1 That the Report be noted.

## **3.0 SUPPORTING INFORMATION**

3.1 Standards for England have recently issued a paper setting out the circumstances in which it may suspend Assessment Functions. The powers were given to the Board by the Local Government Act 2000 as amended and the circumstances in which suspension may be made are set out in the new Standards Committee (Further Provisions) (England) Regulations 2009. They are:

- Standards Committee has failed to have regard to Standards for England guidance in respect of the exercise of functions
- The Standards Committee has failed to comply with a direction issued by Standards for England in respect of the exercise of functions
- The Standards Committee or the Monitoring Officer has failed to carry out one or more of its functions in a reasonable time or a reasonable manner
- The Authority or the Standards Committee has invited Standards for England to suspend the Assessment and Review functions.

The paper goes on to set out formal processes for bringing into effect a suspension of functions. The document makes it clear that Standards for England only intend to use the power as a last resort. Suspension will usually only happen after a series of attempts to improve performance have failed.

The document details the process for issuing a direction, amendments to the direction, assessment in the review processes during a suspension, and how the Standards for England will work with a suspended authority. It is also them deals with how a suspension may be revoked.

Of course, the Monitoring Officer, the Standards Committee, and the Authority will do all it can to minimise the risk of such an important step ever needing to be taken in Halton. However, it is felt important to bring the power to the attention of the Committee.

**4.0 POLICY IMPLICATIONS**

4.1 None

**5.0 OTHER IMPLICATION**

5.1 None

**6.0 IMPLIATIONS FOR THE COUNCIL'S PRIORITIES**

6.1 **Children and young people in Halton** – None

6.2 **Employment and Learning Skills in Halton** – None

6.3 **A Healthy Halton** – None

6.4 **A Safer Halton** – None

6.5 **Halton's Urban Renewal** – None

**7.0 RISK ANALYSIS**

7.1 No key issues have been identified which require control measures

**8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 The Report of itself does not contain specific equality and diversity issues

**9.0 LIST OF BACKGROUND PAPERS UNDER SECION 100D OF THE LOCAL GOVERNMENT ACT 1972**

9.1 There are no documents under the meaning of the Act.





## Suspending a standards committee's assessment and review functions

### Introduction

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Standards for England can direct that a standards committee's assessment and review functions be suspended and instead undertaken either by us or by another relevant authority. We were given this power by the Local Government Act 2000, as amended.

We intend to use this power only as a last resort. Suspension will usually only happen after a series of attempts to improve performance have failed. The attempts to improve performance might result from our notification as well as happening beforehand.

### Reasons for suspension

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The circumstances in which we may suspend assessment functions are set out in the Standards Committee (Further Provisions) (England) Regulations 2009. They are:

- The standards committee has failed to have regard to our guidance in respect of the exercise of functions under Part 3 of the Act or associated regulations.
- The standards committee has failed to comply with a direction issued by us in respect of the exercise of functions under Part 3 of the Act or associated regulations.
- The standards committee or the monitoring officer has failed to carry out one or more of the functions under Part 3 of the Act or associated regulations in a reasonable time or a reasonable manner.
- The authority or the standards committee has invited us to suspend the committee's assessment and review functions.

We will base our decision on the information we receive and collect about how authorities are performing. This includes quarterly and annual returns.

### Notice of intention to suspend functions

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Before directing that a standards committee's assessment and review functions be suspended, we will send the authority written notice of our intention, as required by regulation 5. We will not send such a notice in cases where the standards committee or authority has invited us to suspend its functions, because the regulation does not require any notice period in these circumstances.

The purpose of the notice is to inform the authority of the proposed suspension, and to give them an opportunity to avoid suspension. The notice will state our intention, give our reasons, and set a date before which the direction may be given. This date must be no later than six months from the date the notice was served.

Copies of the notice will be sent to the monitoring officer and the chair of the standards committee. The notice will give the authority no less than 28 days to respond. The monitoring officer, on behalf of the authority, can take this opportunity to tell us why the authority's assessment and review functions should not be suspended, and what actions will be taken to address the issues set out in the notice.

We will take account of any observations made by the authority, as well as any other relevant information, before deciding whether to proceed with a direction. At this point we may well decide not to suspend the authority's assessment and review function, and to continue to work with and support the authority.

If we have not served a direction before the time specified in the notice, we cannot serve it until after we have issued another notice.

## Direction to suspend functions

Where we decide that an authority's assessment and review functions should be suspended, we will serve a direction on the authority in writing. Copies of the notice will be sent to the chair of the standards committee and the monitoring officer of the authority.

We can decide that the assessment and review functions should be carried out by another authority rather than by us. Where we are considering this course of action, we will consult with that authority, and will only proceed with its agreement. We will then notify the monitoring officer and the chair of the standards committee of the authority which will be taking over the assessment function as referred to in the direction.

The direction will state the date the suspension is to begin, the reasons for the decision, and the name of the body which will be dealing with the assessment of complaints – either Standards for England, or another named authority.

The direction will also require the authority to publish details of the direction in at least one local newspaper, and, if we consider it appropriate, on the authority's website or any other publication. We may also publish this information.

## Amendments to the direction

During the period in which an authority's assessment and review functions have been suspended, we may serve a further direction specifying a different body to deal with these functions. The notice will specify the date this comes into effect, and copies of it will be sent to the chair of the standards committee, the monitoring officer, and the chairs of any standards committees referred to in the notice.

## Assessment and review during a suspension

The standards committee of an authority which has been served a direction must refer all the complaints and review requests it receives on or after the date the suspension begins to the body specified in the direction. It must also refer all those complaints and review requests it received before that date, but which it has not yet assessed.

During the suspension period, Standards for England or the other specified authority will carry out all assessments and reviews in relation to the authority, and will produce the written summaries and decision notices. On receipt of a complaint from a suspended standards committee, Standards for England or the other specified authority can decide to:

take no action refer it to an ethical standards officer, or refer it to the monitoring officer of the suspended authority, or the monitoring officer of another authority if that is more appropriate, with a direction to investigate or take other action.

If Standards for England or the other specified authority decides to take no action, the complainant has the right to request that the decision is reviewed. The review must be carried out by someone other than the person or the sub-committee who made the original decision.

## Standards for England's work with a suspended authority

The purpose of a suspension is to improve performance and address the issues that gave rise to it. Standards for England will provide a range of tailored support to help the authority improve. We may also work with the standards committee and the monitoring officer to develop an action plan, which we will closely monitor. Support may also include advice and guidance, sharing best practice, training or facilitating peer reviews. Support may be provided by organisations other than us if we consider that is most appropriate.

We expect suspended authorities to cooperate fully with us or the standards committee which is carrying out its functions. This includes providing access to all relevant information required to carry out those functions. If only some of an authority's functions have been suspended, yet it fails to cooperate, we are likely to amend the direction so that all of their functions are carried out by another authority.

If an authority fails to respond to informal requests for information and assistance from us, we will use our powers to formally request information under Section 66C of the Act.

## Revocation of a suspension

While an authority's assessment and review functions are suspended, we will monitor and review its performance. When we are satisfied that the circumstances which gave rise to the suspension notice no longer apply, we will revoke the direction to suspend.

When we have decided to revoke a suspension direction, we will serve written notice of this decision on the authority. Lik suspension notice, the revocation notice will specify the date on which the revocation will take effect. Copies will also be chair of the standards committee, the monitoring officer, and the chair of any standards committee to which the direction will also require the authority to publish details of the revocation in at least one local newspaper, and, if the authority cons appropriate, on the authority's website or in any other publication.

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<b>REPORT TO:</b>	Standards Committee
<b>DATE:</b>	9 <sup>th</sup> September 2009
<b>REPORTING OFFICER:</b>	Strategic Director Corporate and Policy
<b>SUBJECT:</b>	Work Programme
<b>WARDS:</b>	N/A

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To update Members on the emerging work programme.

## **2.0 RECOMMENDATION**

- 2.1 That the Report be noted and that Members comment on the emerging work programme.

## **3.0 SUPPORTING INFORMATION**

- 3.1 Members will recall having received a report at the last meeting seeking items for a work plan for the municipal year.

Members have agreed to keep under review the Standards Committee (Further Provisions) Regulations 2009 which at that time were not as yet in force. Those regulations have now been issued, and are reported elsewhere on this Agenda.

Members also wished to consider trends emerging from the quarterly and annual returns provided to the Standards Board by Councils across the country. An update is contained within Bulletin 44 elsewhere on the Agenda.

Members sought clarification on the indemnity position in so far as it relates to independent members on this committee. The Monitoring Officer has been in touch with the insurance section and has been able to obtain confirmation that the policy cover does extend to include indemnity to members (including independent members) at the request of the Council. The Indemnity only operates if the Council would have been entitled to indemnity if the claim had been made against it rather than the individual. In the event that the Member is entitled to indemnity from another source, the other insurance cover should be utilised. The other proviso is that the Council's insurers have sole conduct and control of the claim. The only potential gap that the insurers can think of in relation to Members is for pure legal expenses rather than the conventional liability cover.

Members had asked for regular training on the Code of Conduct to continue, and it can be confirmed that a further session will take place on 20<sup>th</sup> October next.

Members had also asked at the last meeting whether there was a qualified mediator available to the Council internally who could be used to provide mediation training. It has also been suggested that a brain storming session would be beneficial with a qualified facilitator. The Monitoring Officer agreed to discuss the suggestion with the Divisional Manager responsible for training. He has been able to confirm that the Council does not have qualified mediators, and that an appropriate facilitator would have to be someone with a detailed knowledge of the standards regime.

Members are invited to discuss the responses to queries raised at the next meeting, and make further comment.

**4.0 POLICY IMPLICATIONS**

4.1 None

**5.0 OTHER IMPLICATION**

5.1 None

**6.0 IMPLIATIONS FOR THE COUNCIL'S PRIORITIES**

6.1 **Children and young people in Halton** – None

6.2 **Employment and Learning Skills in Halton** – None

6.3 **A Healthy Halton** – None

6.4 **A Safer Halton** – None

6.5 **Halton's Urban Renewal** – None

**7.0 RISK ANALYSIS**

7.1 No key issues have been identified which require control measures

**8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 There are no such issues arising directly from this Report

**9.0 LIST OF BACKGROUND PAPERS UNDER SECION 100D OF THE LOCAL GOVERNMENT ACT 1972**

9.1 There are no documents under the meaning of the Act.

**REPORT TO:** Standards Committee

**DATE:** 9<sup>th</sup> September 2009

**REPORTING OFFICER:** Strategic Director - Corporate and Policy

**SUBJECT:** Joint Standards Committee Guidance

**WARDS:** N/A

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To advise Members of the publication of guidance from Standards for England on Joint Standards Committee

## **2.0 RECOMMENDATION**

- 2.1 That the Committee notes the Report.

## **3.0 SUPPORTING INFORMATION**

- 3.1 Standards for England have recently published guidance on the establishment of Joint Standards Committees. The guidance reflects the Standards Committee (Further Provisions) (England) Regulations 2009. These particular provisions are not mandatory.

Members will be aware that the Local Government Act 2000 provides that an authority must set up a Standards Committee and that the Standards Committee (England) Regulations 2008 set out the rules governing the size and composition of a Standards Committee.

The Standards Committee (Further Provisions) (England) Regulations 2009 enable joint standards committees to carry out any of the functions of a standards committee.

It is considered that joint arrangements are likely to be most useful where additional flexibility to deal with cases is needed, or where resources are limited and sharing them would benefit the successful management of the standards framework in the area.

Standards for England have also identified a number of potential problems or issues with joint arrangements which are important to consider. These would include the possibility that they become an overly bureaucratic and more complex process, leading to a lack of clarity for the general public, member resistance to joint committees, differing resource implications for authorities within the same joint working arrangement, and loss of local ownership of standards and ethical issues.

It must be remembered that the Standards framework became fully localised on 8<sup>th</sup> May 2008 which reflected a general desire supported by the Standards Board, among those in the field, to be able to manage their own complaints. The local standards framework also recognised that a knowledge of the local area and local situation can have a positive impact on finding the right solutions.

Standards for England recognise that authorities will have differing reasons for wanting or needing a joint Standards Committee and have therefore identified three model structures for joint committees which they feel offer the most practical ways of operating joint arrangements.

These are as follows:-

- Model A a joint Standards Committee to receive written allegations and requests for a review, and to decide what action to take in relation to them
- Model B a joint Standards Committee to carry out the functions in model A along with receiving and considering final investigation reports and conducting hearings, making findings and imposing sanctions.
- Model C A joint Standards Committee to carry out all of the functions of the Standards Committee.

The guidance goes on to consider in detail the composition of joint Standards Committees. The general rule is that a joint committee is composed in the same way as an ordinary standards committee but with the changes necessary to reflect the fact that it is a joint committee. So, it must include at least one elected member of each authority involved in the joint arrangement, at least 25% of the members of the joint committee must be independent members, at least three people must attend a joint standards committee meeting, the Chair of the joint committee must always be an independent member. Also, executive member is permitted to be on the joint standards committee

- . There must also be at least two representatives from Parish or Town Councils, and the Parish or Town Council Representative must be present on the committee at all times when Parish matters are being discussed. There is no limit to the number of independent members.

The guidance then goes on to deal in detail with arrangements for establishing membership.

It must be remembered that authorities have a power and not a duty to establish joint standards committees, and this report is submitted for information at this stage.

#### **4.0 POLICY IMPLICATIONS**

##### **4.1 None**

**5.0 OTHER IMPLICATION**

5.1 None

**6.0 IMPLIATIONS FOR THE COUNCIL'S PRIORITIES**

6.1 **Children and young people in Halton** – None

6.2 **Employment and Learning Skills in Halton** – None

6.3 **A Healthy Halton** – None

6.4 **A Safer Halton** – None

6.5 **Halton's Urban Renewal** – None

**7.0 RISK ANALYSIS**

7.1 No key issues have been identified which require control measures

**8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 The Report of itself does not contain specific equality and diversity issues

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

9.1 There are no documents under the meaning of the Act.



# **JOINT STANDARDS COMMITTEES GUIDANCE**

# contents

<b>Introduction</b>	<b>2</b>
Why might a joint standards committee be a good idea?	2
Potential benefits of forming a joint standards committee	2
Potential problems/issues	3
Model Structures	3
<b>Composition of joint standards committees</b>	<b>5</b>
Choosing an independent member	5
Ceasing to be an independent member	7
Remuneration for members of a joint standards committee	7
Indemnities for independent members	7
Complying with the Code of Conduct and the register of members' interests	8
Town and parish representatives	8
Choosing parish and town council representatives	8
Executive members on the joint standards committee	8
Elected members on the joint standards committee	9
Substitute members	9
Training	9
<b>Operation of a joint standards committee</b>	<b>10</b>
Functions	10
Lead authority	10
Sub-committees	10
Meetings	10
Preparation of agendas and minutes	11
Standing orders/Procedure rules	11
Financial arrangements	11
Withdrawal from joint arrangements	12
Suspension from joint arrangements	12
Providing information to the Standards Board under sections 66B&C of the Local Government Act 2000	13
<b>Schedule 1</b>	<b>14</b>
<b>Appendix 1 - Functions to be exercised by the joint standards committee</b>	<b>21</b>
<b>Appendix 2 - Rules for the conduct of meetings and proceedings</b>	<b>24</b>
<b>Appendix 3 - Protocol for the exercise of Monitoring Officer functions</b>	<b>27</b>
<b>Appendix 4 - Allocation of expenses</b>	<b>30</b>
<b>Schedule 2</b>	<b>31</b>

# introduction

This guidance on the establishment of joint standards committees reflects the Standards Committee (Further Provisions) (England) Regulations 2009 (the regulations). The regulations which enable authorities to establish joint standards committees are not mandatory.

The guidance is aimed primarily at members of standards committees and monitoring officers but will also provide a useful reference tool for all members and officers.

It applies to:

- district, unitary, metropolitan, county and London borough councils
- English police authorities
- fire and rescue authorities (including fire and civil defence authorities)
- the London Fire and Emergency Planning Authority
- integrated transport authorities
- the Broads Authority
- national park authorities
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

Members of parish and town councils may also find this guide useful.

The Local Government Act 2000 says that your authority must set up a standards committee. The Standards Committee (England) Regulations 2008 set out the rules governing the size and composition of a standards committee and should be read alongside this guidance.

Throughout this guidance we use the term

'independent member' to describe members appointed by the authority under Section 53(4)(b) of the Local Government Act 2000, and Regulation 5 of the Standards Committee (England) Regulations 2008.

You may also like to consult our *The role and make-up of standards committees* and *The local assessment of complaints* guidance.

## Why might a joint standards committee be a good idea?

The regulations enable joint standards committees to carry out any of the functions of a standards committee granted to them by or under Part III of the Local Government Act 2000 or Part 1 of the Local Government and Housing Act 1989.

Joint arrangements are likely to be most useful where additional flexibility to deal with cases is needed, or where resources are limited and sharing them would benefit the successful management of the standards framework in that area.

**Note:** Police authorities cannot join with each other to create joint standards committees because Section 107(2) of the Local Government Act 1972 prevents them from having any of their functions carried out by other police authorities. However, they can join with other types of local authority to do so.

## Potential benefits of forming a joint standards committee

We have identified a number of potential benefits of forming a joint standards committee. In addition, they may have some bearing on the type of joint working structure adopted. These are:



# introduction

- avoidance of conflicts of interest through a wider pool of members
- consistency of procedures
- public confidence in the complaints process enhanced through a greater 'distance' between standards committees and complainants/subject members
- greater capacity to meet the increased role and workload of standards committees under the local standards framework
- efficient and effective use of resources through sharing of resources and pooling expertise
- increased ability to promote high ethical standards through a raised profile of the standards committee
- the ability to jointly commission and fund mediation, training and investigations
- the opportunity to create stronger support and advisory functions
- member resistance to joint standards committees
- differing resource implications for authorities within the same joint working arrangement
- loss of local ownership of standards and ethical issues

The standards framework became fully localised on 8 May 2008. This reflected a general desire – which was supported by the Standards Board – among those in the field to be able to manage their own complaints. The local standards framework also recognised that a knowledge of the local area and local situation can have a positive impact on finding the right solutions.

## Model Structures

We understand that authorities will each have different reasons for wanting or needing a joint standards committee. As a result, we have identified three model structures for joint standards committees which we think offer the most practical ways of operating joint arrangements.

The model structures are:

### Model A

A joint standards committee to receive written allegations and requests for a review, and to decide what action to take in relation to them.

The defining feature of this model is that authorities will be able to retain their own standards committee. Furthermore, aside from receiving and assessing allegations and reviews, the authority's own standards committee will perform all other functions independently.

**Note:** These are just some of the potential benefits and we acknowledge that some authorities may have their own reasons for forming a joint standards committee that are specific to their own circumstances and requirements.

## Potential problems/issues

We have also identified a number of potential problems or issues with joint arrangements, which we think are important to consider in conjunction with the benefits listed above:

- the possibility that it could become an overly bureaucratic and more complex process, leading to a lack of clarity for the general public

# introduction

An advantage of this model structure is that it will help reduce the likelihood of standards committee members being conflicted out of a stage of the complaints process. The regulations state that standards committee members who have been involved in decision making on the initial assessment of a complaint must not take part in the review of that decision. Forming a joint standards committee will increase the number of standards committee members, and so reduce the chance of conflicts of interests occurring.

This model also allows standards committees to share resources when assessing allegations, yet at the same time allows them to retain ownership of all other functions, including the hearing and determination processes. This will ensure that individual standards committees are applying sanctions based on their own local knowledge and are taking responsibility for implementing standards in their own local authorities.

## Model B

A joint standards committee to carry out the functions in Model A along with receiving and considering final investigation reports and conducting hearings, making findings and imposing sanctions.

This model is an extension of Model A and will therefore also help to reduce the likelihood of standards committee members being conflicted out of a stage of the complaints process for the same reason. In addition, Model B offers an increased opportunity to reduce costs through holding joint hearings.

However, when considering whether to

adopt such a structure, authorities should bear in mind that the ability to draw on local knowledge when applying sanctions may be diminished. This potential lack of local knowledge becomes more important at this stage, given that much more information is available to the standards committee once an investigation has been conducted.

## Model C

A joint standards committee to carry out all of the functions of a standards committee granted by or under Part III of the Local Government Act 2000 and Part 1 of the Local Government and Housing Act 1989.

Model C is most appropriate for single purpose authorities such as police or fire authorities. These authorities usually have less contact with the public than local authorities and are the source of fewer complaints, so they tend to need to meet less frequently to exercise their specific complaint-handling functions. A joint working arrangement could therefore be a more sensible use of resources.

Establishing a joint standards committee in such situations should not lead to a weakening of the local standards framework in individual authorities. The same high levels of input expected of a single standards committee should also be applied to ensure that a culture of high standards is still developed within each participating authority.

We do not generally recommend that local authorities adopt Model C because it remains an important role of an authority's standards committee to promote and maintain high standards within its own authority.

# Composition of joint standards committees

The general rule is that a joint standards committee is composed in the same way as an ordinary standards committee but with the changes necessary to reflect the fact that it is a joint committee.

It must include at least one elected member of each authority involved in the joint arrangement.

At least 25% of the members of the joint standards committee must be independent members.

At least three people must attend any joint standards committee meeting.

The chair of the joint standards committee must always be an independent member. Therefore, you may also want to appoint an independent member to act as vice chair of the committee in case the chair is unable to attend.

If any of your authorities has executive arrangements, you are permitted to have one executive member on the joint standards committee. The authorities involved in the joint arrangement will decide which authority that member comes from. However, the executive member must not be the elected mayor or leader.

If your joint standards committee is responsible for any parish or town councils, at least two representatives from those parish or town councils covered by the authorities involved in the joint arrangement must be appointed to your standards committee. They cannot also be members of any of the authorities involved in the joint arrangement.

A parish or town council representative must be present on the standards committee at all times when parish matters are being discussed.

There is no limit to the number of independent members you can have on your joint standards committee

You will need to decide how to select independent members and how long an independent member should sit on the joint standards committee for. These arrangements will need to be set out in the terms of reference of the joint standards committee.

We recommend that you set a fixed period of four years. This will be long enough for them to gain an understanding of the committee, the authority and its workings, but not so long that they could be perceived as losing their independence.

When reappointing an independent member, you should bear in mind that we recommend that independent members should serve no longer than two terms, which is a maximum of eight years. It may be helpful for independent members to be appointed for differing lengths of time so that the experience they gain is not all lost simultaneously. The usual rules apply about advertising and appointing if you wish to reappoint an independent member.

## Choosing an independent member

The arrangements for appointing independent members under a joint arrangement will be decided by the authorities involved in that arrangement and will be set out in its terms of reference.



# Composition of joint standards committees

## **Complying with the Code of Conduct and the register of members' interests**

Members of a joint standards committee must sign an undertaking to comply with the Code of Conduct of the authority that appointed them to that committee. They must also disclose their interests in the register of members' interests maintained by the monitoring officer of the authority that appointed them. Independent members must do so in the same way as other members.

## **Town and parish representatives**

If your joint standards committee is responsible for parish or town councils we recommend you have a minimum of three parish or town council representatives on your standards committee, though the legal minimum is two.

Three parish or town council representatives will provide you with flexibility. It should allow the local assessment of complaints to be carried out if a parish or town council representative is unavailable or conflicted out.

Your council must consult parish and town councils within the area covered by the joint arrangement to help decide if there should be a parish sub-committee to deal with some of the joint standards committee's functions about parish and town councils.

Any parish sub-committee must include at least one parish or town council representative and at least one independent member. In addition, you must consult parish and town councils

within the area covered by the joint arrangement to determine how many parish and town council representatives are needed and how long they should serve on the sub-committee.

## **Choosing parish and town council representatives**

The authorities involved in the joint arrangement must decide how to recruit and appoint parish or town council representatives. Your parish and town council representatives should have the trust of town and parish councils in the area covered by the joint arrangement, so you should involve them in the selection procedure.

## **Executive members on the joint standards committee**

If the authorities are operating executive arrangements, the standards committee does not need to include any executive members. However, you should consider whether it is appropriate to appoint an executive member and, if so, how that member is to be chosen from among the authorities in the joint arrangement. There can only be one executive member on a joint standards committee, regardless of how many authorities are involved in the joint arrangement.

Appointing an executive member might show that the committee is supported and respected by all parts of the authorities. Not having an executive member could reflect a degree of independence from the political leadership of the authorities. This is ultimately a decision for the authority.

# Composition of joint standards committees

## Elected members on the joint standards committee

A joint standards committee does not need to reflect the political balance of the authorities involved in the arrangement. This is because the joint standards committee should be independent of party politics. Its members need to have the respect of all the members of the authorities. It may be helpful to remind elected members of this when committee appointments are being made.

In the same way that independent members need to be appointed by a majority of the authority, it would be useful for your joint committee to include members who are supported by all political parties. This is particularly when the local assessment of complaints is carried out. This is so that greater trust and confidence can be established in the decision-making process among all political members.

Standards committees should be seen as making judgments impartially and without regard to party loyalty. Elected members should consequently be mindful of this when serving on a standards committee and should not be told how to vote on matters. Members should also remember that they must adhere to the Code of Conduct when serving on a standards committee.

**Note:** Where police authorities are included in joint arrangements, any reference above to an elected member needs to be read as a reference to an authority member.

## Substitute members

Some authorities operate a substitute system. This allows a substitute member to attend a meeting of the committee or sub-committee whenever a regularly appointed member cannot be present. However, we do not recommend the use of substitutes for joint standards committees.

In instances where all your independent members are unavailable, you would be able to substitute your independent members with independent members from another authority. You should also note that nothing in the regulations requires a sub-committee of a standards committee to have fixed membership or chairmanship.

## Training

It is important when assessing complaints, reviewing assessment decisions and holding determination hearings that the sub-committee is properly constituted and that members are trained on the Code and the relevant legislation. We recommend that you keep a clear record of the training of all standards committee members. Some authorities provide refresher training before hearings.



# Composition of joint standards committees

Authorities have two choices. Each authority can appoint its own independent members or the authorities involved in the joint arrangement can appoint independent members jointly.

Where each authority appoints its own independent members, the requirements of paragraph 5(1) of the Standards Committee (England) Regulations 2008 apply. This means:

- the vacancy must be advertised in a local newspaper and such other publications as the authority deems appropriate
- the person must have submitted an application to the authority
- the person's appointment must be approved by the majority of the members of the authority

If an authority's standards committee has any independent members, it can appoint them to be independent members of a joint standards committee. The Standards Board believes that the regulations do not require the authority to comply with the requirements of paragraph 5(1) again for its existing independent members in order to appoint them to a joint standards committee.

An authority may not have any independent members to appoint to the joint standards committee if it is setting up a committee as set out in Model C (see page 4) and therefore is not also operating its own standards committee.

Where the authorities appoint jointly:

- the appointment must be approved by each authority
- the vacancy must be advertised in a

newspaper local to each authority area and in such other publications as each authority deems appropriate

- the person must have submitted a joint application, sent to the lead authority

Where more than a couple of authorities are involved in a joint arrangement it is likely that it will take some time for the authorities to each approve the appointment of the independent members.

Similarly coordinating the advertisement for the vacancy or vacancies in more than one local newspaper may take time. Formal and evidenced arrangements would need to be made for one authority to act on behalf of all the others involved in the joint arrangement. This is in order to accept application forms from candidates – otherwise any applicant would need to submit a separate form to each authority. This application, managed by the lead authority, would need to make it clear that it is to all of the authorities involved in the joint arrangement, and those authorities should be named on the form. The lead authority should then send a copy of the application to the other authorities.

Given the practical difficulties of joint appointments, we recommend that each authority arrange to appoint its own independent members. We also recommend this because there is some uncertainty in the legislation over the process for independent members appointed jointly on whether they should sign an undertaking to be bound by a code of conduct.

Whatever arrangements are used, the following factors need to be taken into account:

# Composition of joint standards committees

- 1) A person can only be an independent member if that person:
- has not been a member or employee of any of the authorities involved in the joint arrangement within the five years before the date of appointment
  - is not a member or officer of any relevant authority
  - is not a relative or close friend of a member or employee of any of the authorities involved in the joint arrangement

- 2) The regulations say that a 'relative' means:
- a partner (a spouse, civil partner or someone a person lives with in a similar capacity)
  - a parent
  - a parent of a partner
  - a son or daughter
  - a stepson or stepdaughter
  - the child of a partner
  - a brother or sister
  - a brother or sister of a partner
  - a grandparent
  - a grandchild
  - an uncle or aunt
  - a nephew or niece
  - the partners of any of the people mentioned above

The regulations do not provide a specific definition of a close friend. Please refer to our publication the *Case Review 2007*, which includes a section on defining a close associate. This might be helpful in identifying a close friend. The *Case Review 2007* is available on our website.

## Ceasing to be an independent member

Under the regulations, either of the following will no longer be able to be an independent member of the joint standards committee:

- any person appointed as an independent member who becomes a member or officer of an authority
- any person appointed as an independent member who becomes a relative of a member or officer of any of the authorities involved in the joint arrangement

## Remuneration for members of a joint standards committee

Authorities in a joint arrangement will need to ensure that their joint arrangement specifies what provisions, if any, are to be made for the payment of allowances to members of the joint standards committee.

## Indemnities for independent members

Where independent members are carrying out their statutory duties, they may be protected by their authority's indemnity arrangements under the Local Authorities (Indemnities for Member and Officers) Order 2004. We recommend that any joint arrangement includes consideration of what indemnity arrangements should be in place for independent members.

# operation of a joint standards committee

Paragraph 15(2)(a) and (b) require the terms of reference of a joint standards committee to include the functions and administrative arrangements under which the joint committee will operate.

## Functions

The joint standards committee can carry out any of the functions of a standards committee granted by or under Part III of the Local Government Act 2000 or Part 1 of the Local Government and Housing Act 1989. Some authorities have conferred other functions on standards committees under Section 54 of the act. These include:

- overview of the whistle blowing policy
- advising on the content of the authority's officer code of conduct
- overview of complaints handling and Ombudsman investigations
- oversight of the constitution

These functions may not be allocated to a joint standards committee as they are not granted by Part III of the Local Government Act 2000 or any regulations made under that Part. They therefore need to remain with the authority's standards committee, or be reallocated elsewhere.

If a joint standards committee exercises a certain function – that function cannot also be exercised by a standards committee of any of the authorities involved in the joint arrangement. Therefore, the authorities involved in a joint standards committee arrangement must all agree which of their functions they wish the joint standards committee to have.

An authority cannot assign functions to a joint standards committee only to deal with

particular complaints. For example, a complaint might be made about a dual-hatted member, or any member who belongs to more than one authority. In such cases, the authority cannot set up a joint assessment sub-committee with the other authority or authorities that the member belongs to but also continue to use its own assessment sub-committee for complaints about single-hatted members. The functions assigned to a joint standards committee are applicable for all complaints received by the authority.

## Lead authority

In any joint standards committee arrangement there should be one authority with responsibility for making the administrative arrangements necessary for it to operate. This responsibility may rotate over time.

## Sub-committees

Where a joint standards committee arrangement has been set up just to carry out initial assessments or initial assessments and reviews, it will be necessary to set up sub-committees to carry out those functions under regulation 6 of the Standards Committee (England) Regulations 2008. Membership of these sub-committees will need to be drawn from the joint standards committee.

## Meetings

Meetings of the joint standards committee and its sub-committees should be arranged by the lead authority's monitoring officer in consultation with the monitoring officers of the other authorities involved in the joint arrangement.



# operation of a joint standards committee

Any committee or sub-committees should have a minimum of three members.

However, ensure you pay attention to the detailed requirements of paragraph 7(3) of the Standards Committee (England) Regulations 2008 as amended by paragraph 14(5)(e) of the Standards Committee (Further Provisions)(England) Regulations 2009.

A committee or sub-committee must have at least one elected member on it, where it is dealing with any of the following:

- making an initial assessment of a case
- reviewing an assessment
- considering what to do with a monitoring officer's report on an investigation
- holding a hearing

If the case concerns a parish member or former parish member then the committee or sub-committee must also have a parish representative present. The elected member and parish representative do not have to be from the same authority as the member whose case is being considered.

## Preparation of agendas and minutes

The monitoring officer of the lead authority should prepare the agenda for meetings of a joint standards committee or its sub-committees. This can be done in consultation with the monitoring officers of the other authorities involved in the joint arrangement who would normally be expected to prepare reports about cases from their own authorities.

Any joint arrangements will need to clearly identify who will have responsibility for:

- notifying the parties of any decisions made
- for preparing the minutes of the meeting
- for preparing the summary of proceedings under regulation 8(5) of the Standards Committee (England) Regulations 2008
- the summary under Section 57C(2) of the Local Government Act 2000 to the member complained about

Ultimate responsibility for these tasks lies with the monitoring officer of the authority the subject member comes from. However, the monitoring officer of the lead authority could carry out those tasks on their behalf as long as the joint arrangements make this clear.

## Standing orders/procedure rules

As with any other committee of a local authority, you will need rules to govern the way in which meetings are administered and conducted. See Appendix 2 of the model constitution, attached at the end of this document, which sets out a suggested format for those rules.

## Financial arrangements

Any joint standards committee arrangements should be clear about how the financial expenses of the arrangements will be met. We recommend that the joint committee should have a budget which is held separately from that of the constituent authorities by the chief financial officer of the lead authority. We also recommend that the budget is

# operation of a joint standards committee

managed by the lead authority's monitoring officer.

The basis on which the expenses are shared should be clearly set out in the joint standards committee's terms of reference. Much will depend on the functions carried out under the joint arrangement. For instance, where the joint standards committee has been set up to deal with initial assessment and review cases, the expenses might be shared based on the number of cases submitted for consideration by an authority as a proportion of the total cases considered. So an authority submitting 30 cases in a year from a total of 50 considered under the joint arrangement would pay 60% of the expenses incurred.

Any disagreement about the proportion of expenses that should be met by an authority involved in the joint arrangement must go to a single arbitrator agreed between the authorities. This is as required by paragraph 15(3) of the regulations.

## Withdrawal from joint arrangements

Under paragraph 15(2)(g) of the regulations, the authorities entering into a joint arrangement must make sure that there is a procedure set out in the terms of reference to enable an authority to withdraw from the arrangement.

Any such procedure should ensure that any authority which wants to withdraw has to give sufficient notice before doing so. This is to enable the remaining authorities involved in the joint arrangements to:

- 1) consider what changes they need to make to the terms of reference and have time to implement those changes
- 2) decide how to deal with the financial consequences of the authority withdrawing.

We suggest a minimum notice period of six months in order to achieve this.

The terms of reference should make it clear what financial consequences flow from a decision by an authority to leave a joint arrangement. For example, six months' notice expiring on the 31 March might be required to withdraw from a joint arrangement. If this were the case, it would enable the authorities left in the joint arrangement to make proper budgetary provision for the joint arrangement in the following financial year, as part of their normal annual budget preparation process. It would also give them time to agree and implement any changes to the joint arrangements that they wish to make. They would additionally be able to sort out how to deal with forthcoming cases when the joint arrangement is disbanded or altered.

## Suspension from joint arrangements

Under paragraph 3(3) of the regulations, the Standard Board for England can use its powers under Section 57d of the Local Government Act 2000 to suspend the initial assessment functions of a joint standards committee in the same way as it can a normal standards committee.

# operation of a joint standards committee

## **Providing information to the Standards Board under sections 66B&C of the Local Government Act 2000**

The Standards Board can demand periodic returns from authorities and information from them relating to the functions of standards committees and monitoring officers. Therefore any joint arrangements should ensure that responsibility for compiling returns and responding to requests for information is properly identified within the administrative arrangements agreed between the authorities.

Where there is a joint arrangement in place, the monitoring officer of the lead authority will be required to submit information about the composition of the standards committee.

Case information, even where the case was dealt with by a joint standards committee, must be submitted by the monitoring officer at the authority to which the subject member belongs.

# Schedule 1

## MODEL TERMS OF REFERENCE FOR JOINT STANDARDS COMMITTEES IN ENGLAND

*[This document provides the terms of reference for a joint standards committee of relevant authorities in the form of a template for a model constitution. It is written in broad terms so that it can be used by authorities of the same type, or by authorities of different types. In some instances alternative approaches are offered, or authorities may wish to use this model as the basis for discussions leading to the production of a different document.]*

### 1) Definitions

In this Constitution:

“the Act” means the Local Government Act 2000

“the Constituent Authorities” means

(a) *[insert name]*

(b) ... *[etc]*

“Executive”, “Executive Member”, “Elected Mayor” and “Executive Leader” have the same meaning as in the Act

“Independent Member” has the same meaning as in the Standards Committee Regulations

“the Joint Standards Committee” means the *[insert name]*

“Monitoring Officers” means the officers designated by the Constituent Authorities under section 5 of the Local Government and Housing Act 1989 and any deputy nominated by them acting

where they are unable to do so owing to absence or illness

“Proper Officer” has the same meaning as in the Local Government Act 1972

“the Regulations” means the Standards Committee (Further Provisions) (England) Regulations 2009

“Relevant Authority” has the same meaning as in the Act

“Scheme of Allowances” means any scheme of allowances made under the Local Authorities (Members Allowances) Regulations 2003

“the Standards Committee Regulations” means The Standards Committee (England) Regulations 2008

### 2) Constitution and Terms of Reference

2.1) The Constituent Authorities, in exercise of their powers under the Regulations, have each determined to establish a joint standards committee, to be known as the *[insert name]* to exercise those functions conferred by or under Part 3 of the Act or Part 1 of the Local Government and Housing Act 1989 set out in this Constitution.

2.2) The Joint Standards Committee is the standards committee to which written allegations under section 57A (1) of the Act may be sent *[either]* for all the Constituent Authorities *[or]* for the following Constituent Authorities: *[insert names]*.



# Schedule 1

*[It is important that each constituent authority is clear about whether it, or the joint committee, will receive written allegations, and that the process for publicising, receiving and submitting written allegations is clear and effective.]*

- 2.3) This Constitution contains the Terms of Reference of the Joint Standards Committee for the purposes of Regulation 15 of the Regulations and section 53 (9) of the Act.
- 3) Functions to be exercised by the Joint Standards Committee
- 3.1) The Joint Standards Committee may exercise the functions set out in Appendix 1.
- 3.2) Any Standards Committee established by any of the individual Constituent Authorities may not exercise any function set out in Appendix 1.
- 4) Membership of the Joint Standards Committee
- [The following version is for a joint committee where at least one constituent authority is responsible for parish councils. If no constituent authority has this responsibility then 4.1 (b) and 4.5 should be deleted and the other sub-paragraphs renumbered]*
- 4.1) The Joint Standards Committee shall consist of:
- a) *[insert number]* members of

the Constituent Authorities, appointed by those authorities in accordance with paragraph 4.2;

- b) *[insert number]* members of parish councils for which any of the Constituent Authorities is responsible, appointed in accordance with paragraph 4.5;
- c) *[insert number which must be at least 25% of the total membership of the committee]* Independent Members, appointed in accordance with paragraph 4.6.

4.2) Subject to paragraphs 4.3 and 4.4, the following Constituent Authorities shall appoint the following numbers of members of those authorities to be members of the Joint Standards Committee:

- a) *[Name of Constituent Authority] : [number] members*
- b) *[etc]*

4.3) Appointment of Executive Members

- a) No more than one of the members of the Constituent Authorities appointed under paragraph 4.2 shall be a member of the Executive of any of the Constituent Authorities.



# Schedule 1

b) If an Executive Member has previously been appointed to and is still a member of the Joint Standards Committee then no further appointment of an Executive Member will be valid.

c) Otherwise, if the Constituent Authorities seek to appoint more than one Executive Member then only one appointment will be valid and the other Constituent Authorities will be required to make a new appointment. The valid appointment shall be agreed between the Constituent Authorities or in default of agreement shall be made annually in turn by each of the Constituent Authorities in the order set out in paragraph 4.2 starting with the Constituent Authority named in paragraph 4.2 (a).

*[Alternative: provide as follows but amend annually – Only [insert name of Constituent Authority] may appoint a member of the executive of any of the Constituent Authorities as a member of the Joint Standards Committee.]*

4.4) None of the members of the Constituent Authorities appointed under paragraph 4.2 shall be the Elected Mayor or

Executive Leader of any of the Constituent Authorities.

4.5) The Constituent Authorities that are responsible for parish councils shall each appoint [insert number] members of the parish councils for which they are responsible, who are not also members of any of the Constituent Authorities, to be members of the Joint Standards Committee.

*[Alternatively – The following Constituent Authorities shall appoint the following numbers of members of the parish councils for which they are responsible, who are not also members of any of the Constituent Authorities, to be members of the Joint Standards Committee:*

a) *[Name of Constituent Authority] : [number] members*

b) *[etc]*

4.6) The following Constituent Authorities shall appoint the following numbers of Independent Members (in accordance with the provisions of the Standards Committee Regulations) to be members of the Joint Standards Committee:

a) *[Name of Constituent Authority] : [number] members*

# Schedule 1

b) [etc]

- 4.7) A person who is disqualified under Part 5 of the Local Government Act 1972 or by the decision of a Case Tribunal under Part 3 of the Act for being a member of a relevant authority shall be disqualified for membership of the Joint Standards Committee.

*[Options – We recommend that the appointing authority be given the power to replace a member under (b) but it is not essential. It is possible, instead, for all members, or a class of members such as independent members, to be appointed for a fixed term. In that case (b) would read:*

b) He or she [option – , being an independent member/parish council member/member of a constituent authority] has held office for a period of [insert period] years.]

## 5) Tenure of office and casual vacancies

5.1) A member of the Joint Standards Committee will hold office until one of the following occurs:

- a) He or she resigns by giving written notice to the proper officer of the Constituent Authority that appointed him or her;
- b) He or she is removed or replaced by the Constituent Authority that appointed him or her;
- c) He or she is disqualified for membership of the Joint Standards Committee;
- d) He or she ceases to be eligible for appointment to the Joint Standards Committee in the capacity in which he or she was appointed;
- e) The Constituent Authority which appointed him or her ceases to participate in the Joint Standards Committee.

5.2) A casual vacancy shall be filled as soon as possible by the Constituent Authority which appointed the member of the Joint Standards Committee whose membership has ceased.

## 6) Sub Committees

6.1) The Joint Standards Committee shall appoint Sub Committees in so far as is necessary to exercise its functions under Part 3 of the Act and may establish Sub Committees for other purposes in the exercise of its functions.

6.2) Each person appointed as a member of a Sub Committee must be a member of the Joint Standards Committee.

6.3) The Joint Standards Committee will determine the membership and terms of reference of the Sub Committee, and the

# Schedule 1

- quorum for its meetings, when it is appointed.
- 6.4) If the Joint Standards Committee appoints more than one Sub Committee to exercise one or more of its functions then it shall ensure that the Proper Officer of the Constituent Authority providing support to the Joint Standards Committee allocates particular matters to a Sub Committee first on the basis of the availability of the members required to constitute the Sub Committee, and thereafter by rotation, and summonses meetings accordingly.
- 7) Meetings and proceedings
- 7.1) The meetings and proceedings of the Joint Standards Committee shall be conducted in accordance with the rules set out in Appendix 2.
- 7.2) The Joint Standards Committee will adopt standing orders or rules of procedure for the conduct of its meetings. The standing orders or rules of procedure must be consistent with the requirements of the Act, the Standards Committee Regulations and the rules set out in Appendix 2. They may provide for different procedures to be followed when the Joint Standards Committee or a Sub Committee is exercising different functions.
- 8) Monitoring Officers
- 8.1) The Monitoring Officers will agree and keep under review a protocol about how they will exercise their functions in relation to the matters dealt with by the Joint Standards Committee.
- 8.2) The initial protocol is set out in Appendix 3. The Monitoring Officers will inform the Joint Standards Committee and the Constituent Authorities of any changes to the protocol.
- 9) Support
- 9.1) The Joint Standards Committee will appoint one of the Constituent Authorities to provide accommodation and professional, technical, administrative and clerical support for its meetings.
- 9.2) The Joint Standards Committee will keep the appointment under review and may from time to time make a new appointment having regard to the geographical area that it covers and to the interests of economy, efficiency and effectiveness.
- [Alternatively the Constitution may provide for the rotation of the support function. Where this is done appropriate arrangements will need to be made for dealing with on-going cases]*

# Schedule 1

For the period stated in column 1 of the following table, the Constituent Authority identified in Column 2 shall be appointed to provide accommodation and professional, technical, administrative and clerical support for its meetings.

Table	
Column 1	Column 2
Period	Constituent Authority
<i>[insert period, eg 1 June 2009 to 31 May 2009. Consider whether to rotate quarterly, six monthly, annually or less frequently.]</i>	<i>[Insert name] [etc]</i>
[etc]	

9.3) The Proper Officer appointed by the Constituent Authority for the time being providing such support will discharge the proper officer functions under the Local Government Act 1972 that relate to the meetings of the Committee. He or she will therefore prepare agendas and minutes and summaries of meetings and arrange for notices and other communications to and from the Joint Standards Committee to be given and received, save in so far as one of the Monitoring Officers agrees to undertake this activity.

10) Expenses of Joint Standards Committee

10.1) The expenses of the Joint Standards Committee and of the discharge of functions relating to matters dealt with by the Joint Standards Committee will be defrayed by the Constituent Authority providing support and by any Constituent Authority whose Monitoring Officer has dealt with or exercised his or her functions in relation to such matters.

10.2) The other Constituent Authorities will make payments to the Constituent Authority that has incurred expenses under paragraph 10.1, to defray them in such proportions as the Constituent Authorities shall all agree or in the case of disagreement as shall be determined by a single arbitrator agreed on by the Constituent Authorities, or, in default of agreement, appointed by the Secretary of State for Communities and Local Government.

10.3) In determining the allocation of expenses the Constituent Authorities or any arbitrator appointed under paragraph 11.2 will have regard to the principles set out in Appendix 4.

10.4) The Constituent Authority for the time being providing support will report to the Joint Standards Committee at least annually on such expenses, on their



# Schedule 1

allocation between the Constituent Authorities and on the financial provision made by the Constituent Authorities to cover present and future expenses. The Joint Standards Committee may notify the Constituent Authorities if it considers that the financial provision is or is likely to be inadequate.

## 11) Allowances

11.1) The Constituent Authorities will review the Schemes of Allowances for their members, will consult each other for the purposes of the review, and will seek [*Option* - (with a view to ensuring that all members of the Joint Standards Committee of the same type and whose responsibilities are, in principle, the same, should have broadly the same entitlement)]:

- a) To reach agreement as to which members of the Joint Standards Committee should receive allowances, the level of allowances, and whether related attendance or activity should affect, either directly or by reason of any calculations that are performed, the entitlement to allowances;
- b) [*Option, if the joint committee appoints Independent Members* – To determine which Constituent Authority will pay any

allowances to Independent Members appointed by the Joint Committee;]

c) To ensure that no member of the Joint Standards Committee is paid more than one allowance, or more than one enhanced allowance, on account of such attendance or activities;

d) To ensure that the agreement reached is reflected in the Constituent Authorities' Schemes of Allowances.

11.2) An agreement reached under paragraph 11.1 shall not bind the Constituent Authorities so as to prejudice the legality of their decisions, or compromise their decision-making processes, under the Local Authorities (Members Allowances) Regulations 2003.

## 12) Withdrawal from the Joint Standards Committee

12.1) A Constituent Authority may cease to participate in the Joint Standards Committee by resolution to that effect taking effect on the date of the next annual meeting of the Constituent Authority, and communicated in writing to the Proper Officer the time being providing support to the Joint Standards Committee at least six [alternative – nine or twelve] months before the date on which it is to take effect.

# Appendix 1

## [Part 1]

### Functions to be exercised by the Joint Standards Committee

#### [Option 1: all functions]

The Joint Standards Committee may exercise all the functions of a standards committee of a Constituent Authority conferred under Part 3 of the Act and Part 1 of the Local Government and Housing Act 1989.

#### [Option 2: some functions]

*[Select from, or adapt, the following list. The phrase "all related actions and determinations" includes decisions about how meetings should be held and all the pre and post meeting paperwork, notifications and publicity.]*

The Joint Standards Committee may exercise all the functions of a standards committee of a Constituent Authority relating to:

- 1) The general and specific functions set out in section 54 of the Act, namely:
  - a) promoting and maintaining high standards of conduct by the members and co-opted members of the authority;
  - b) assisting members and co-opted members of the authority to observe the authority's code of conduct;
  - c) advising the authority on the adoption or revision of a code of conduct;
  - d) monitoring the operation of the authority's code of conduct, and
- e) advising, training or arranging to train members and co-opted members of the authority on matters relating to the authority's code of conduct
- 2) Publishing the address or addresses to which written allegations should be sent and the procedures to be followed (under Regulation 10 of the Standards Committee Regulations).
- 3) Receiving written allegations under section 57A of the Act and deciding what action, if any, to take, in relation to them, and all related actions and determinations.
 

*[The Committee that "received" the complaints must decide how to respond to them. Administratively, other constituent authorities may provide an address to which complaints are sent, but they must then forward them directly to the Committee that will decide them.]*
- 4) Receiving requests for a review under section 57B of the Act, deciding what action, if any, to take, and all related actions and determinations.
- 5) Receiving a report from a Monitoring Officer under Regulation 13 of the Standards Committee Regulations on the actions taken or proposed to comply with a direction to take steps other than carrying out an investigation, determining whether it is satisfied with the action specified in the report, and all related actions and determinations.
- 6) Receiving references back from a

# Appendix 1

- Monitoring Officer under Regulation 16 of the Standards Committee Regulations in relation to a matter referred for investigation, deciding what action, if any, to take, and all related actions and determinations.
- 7) Receiving reports from a Monitoring Officer under Regulation 14 of the Standards Committee Regulations, following investigation by the Monitoring Officer (as defined in the Standards Committee Regulations), considering the report and making findings under Regulation 17, and all related actions and determinations.
  - 8) Receiving reports from a Monitoring Officer under Regulation 15 of the Standards Committee Regulations, following investigation by or on behalf of an Ethical Standards Officer, considering the report and making findings under Regulation 17, and all related actions and determinations.
  - 9) Conducting hearings under Regulation 18 of the Standards Committee Regulations, making findings, imposing sanctions (if it finds that a sanction should be imposed), and all related actions and determinations including determining what action, if any, to take if there is an appeal and whether (and if so, how) to be represented at an appeal hearing.
  - 10) In relation to written allegations made before the 8 May 2008, receiving reports from a Monitoring Officer under Regulation 5 of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 , following investigation by or on behalf of an Ethical Standards Officer or Monitoring Officer, deciding whether to accept a Monitoring Officer's finding of no failure to comply with the Code of conduct, conducting a hearing under Regulation 6, making findings, imposing sanctions (if it finds that a sanction should be imposed), and all related actions and determinations including determining what action, if any, to take if there is an appeal and whether (and if so, how) to be represented at an appeal hearing if the opportunity is given.
  - 11) Considering recommendations of Case Tribunals and taking related action.
  - 12) Receiving requests for dispensations from members and co-opted members wishing to take part in the business of a Relevant Authority despite having a prejudicial interest, under Part 4 of the Regulations, deciding whether to grant a dispensation, and all related actions and determinations.
  - 13) Receiving any other notices or notifications, determining what action, if any, to take and all related actions and determinations.
  - 14) Considering applications for exemption from political restriction or for directions to include a post in a list of politically restricted posts under section 3 of the Local Government and Housing Act 1989, making determinations and taking all related action.

# Appendix 1

## [Other functions]

*In addition to the specific and general functions, section 54 of the Local Government Act 2000 allows a Standards Committee to exercise such other functions as the authority consider appropriate. These then become Standards Committee functions which may be exercised by Joint Standards Committees under the Regulations. In so far as these functions are conferred by or under Part 3 of the Act, or Part 1 of the Local Government and Housing Act 1989, they may be allocated to the Joint Standards Committee.*

*Some authorities have conferred other functions on Standards Committees under section 54, such as overview of internal and external audit (now more likely to be an Audit Committee function, overview of the whistle blowing policy, overview of complaints handling and Ombudsman investigations, and oversight of the constitution. These functions may not be allocated to a Joint Standards Committee and may remain with the Constituent Authorities Standards Committee, or be reallocated.]*

The Constituent Authorities have decided that it is appropriate that the Joint Standards Committee should exercise the following additional functions:

[Select from, or adapt, the following list]

- 1) Sending returns to the Standards Board for England under section 66B of the Act in relation to the functions of the Joint Standards Committee.
- 2) Providing information to the Standards

Board for England under section 66C of the Act in relation to the functions of the Joint Standards Committee.

- 3) Considering recommendations from a case tribunal under section 80 of the Act that relate to the functions of the Joint Standards Committee.



# Appendix 2

## Rules for the conduct of meetings and proceedings

### 1) Meetings

- 1.1) The Joint Standards Committee shall in every year hold an annual meeting.
- 1.2) The first Meeting held after the 31 May in any year shall be the annual meeting.
- 1.3) The Joint Standards Committee may hold such other meetings as they may determine.
- 1.4) The provisions of the Local Government Act 1972 and the Standards Committee Regulations (and transitionally the Relevant Authorities (Standards Committee) Regulations 2001 and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003), relating to giving a summons to attend the meeting, giving notice of time and place of the meeting, admission of the public and press to meetings, access to agendas and reports, preparation of and access to minutes of the meeting (or a written summary), access to background papers and the timing and conduct of hearings, that apply to a standards committee of a Relevant Authority, shall apply to the Joint Standards Committee.

### 2) Appointment of chair and vice-chair

*[The style "chair" or "chairman" is a matter of choice.]*

- 2.1) Subject to paragraph 2.4, the Joint Standards Committee shall at their annual meeting appoint a chair and a vice-chair from among the independent members of the Joint Standards Committee.
- 2.2) The chair and vice-chair shall, unless they resign their office or cease to be independent members of the Joint Standards Committee, continue in office until their successors become entitled to act.
- 2.3) In the case of an equality of votes in respect of the appointment of a chair or the appointment of a vice-chair, the person presiding at the meeting shall give a casting vote in addition to any other vote he or she may have.
- 2.4) The chair and vice-chair must be independent members.
- 2.5) Subject to paragraph 2.4, if a casual vacancy occurs in the office of chair or vice-chair of the Joint Standards Committee the vacancy shall be filled by the appointment by the Joint Standards Committee of one of their members at the next meeting and the person so appointed shall hold office until the next annual meeting.

### 3) Conduct of meetings

# Appendix 2

- 3.1) At a meeting of the Joint Standards Committee the chair if present shall preside.
  - 3.2) If the chair is absent from a meeting of the Joint Standards Committee the vice-chair shall preside.
  - 3.3) If both the chair and vice-chair are absent, another independent member of the Joint Standards Committee, chosen by the members of the Joint Standards Committee present at the meeting, shall preside.
- 4) Quorum
- 4.1) No business shall be transacted at a meeting of the Joint Standards Committee unless at least [insert number- at least three] members are present.
  - 4.2) Where a meeting is convened to exercise functions specified in sections 57A or 57B of the Act or in regulations 17 to 20 of the Standards Committee Regulations:
    - a) At least one member of one of the Constituent Authorities must be present:
    - b) [if relevant] If the matter relates to a member or former member of a parish council, at least one parish council member must be present.
- 5) Proceedings of meetings
- 5.1) All questions coming or arising before a meeting of the Joint Standards Committee shall be decided by a majority of the members of the joint committee present and voting at that meeting.
  - 5.2) The minutes of the proceedings of each meeting of the Joint Standards Committee shall be drawn up and shall be signed at the next ensuing meeting of the Joint Standards Committee by the person presiding at that next meeting.
  - 5.3) A copy of the minutes of the proceedings of each meeting of the Joint Standards Committee shall be sent to the proper officer of each Constituent Authority within 14 days after the date of the meeting at which they were signed.
  - 5.4) The names of the members present at each meeting of the Joint Standards Committee shall be recorded in the minutes of the proceedings of that meeting.
- 6) Sub Committees
- 6.1) Paragraphs 1 to 5 apply to meetings of Sub Committees of the Joint Standards Committee with the following modifications.
  - 6.2) References to the Joint Standards Committee should be read as references to the Sub Committee.

# Appendix 2

6.3) Sub Committees will not hold an annual meeting.

6.4) The chair and vice chair of the Sub Committee may be appointed by the Joint Standards Committee when it appoints the Sub Committee or at any time thereafter but if it does not do so then the Sub Committee will make the appointments at its first meeting.

*[Alternative - The Sub Committee will not appoint a chair or vice chair to hold office for more than one meeting but will appoint an independent member to chair each meeting as the first item of business at that meeting. In the case of an equality of votes in respect of the appointment of a chair lots will be drawn.]*

6.5) The quorum for a Sub Committee meeting will be determined by the Joint Standards Committee when it appoints the Sub Committee but shall not be less than three.

6.6) For the avoidance of doubt, by virtue of Regulation 8 (5) (a) of the Standards Committee Regulations the provisions of Part 5 A of the Local Government Act 1972 do not apply to a Sub Committee considering an allegation received under section 57A (1) of the Act or reviewing a

decision under section 57A (1) of the Act, and the provisions of Regulation 8 (5) (b) do not apply.

*[The joint committee may wish to draw up its own more detailed rules of procedure for meetings, following a model similar to one of the Constituent Authorities. This might include the arrangements for substitute members. The committee should also draw up rules of procedure for hearings, taking into account the guidance given by the Standards Board for England.]*

# Appendix 3

## Protocol for the exercise of Monitoring Officer functions

- 1) This protocol has been agreed by the Monitoring Officers of the Constituent Authorities as a way of defining their relationship with the Joint Standards Committee and describing how they will exercise their statutory functions.
- 2) The objective is to ensure that the Constituent Authorities, the Joint Standards Committee, any other Standards Committee appointed by the Constituent Authorities, and the Monitoring Officers all:
  - 1) exercise their functions as effectively, efficiently and economically as possible
  - 2) demonstrate a strong ethical framework and structure within the authorities
  - 3) demonstrate innovation and best practice, strong outcomes for the community (including through partnership working), performance well above minimum accepted levels, and excellent value for money.
- 3) The Monitoring Officers necessarily retain personal responsibility for their statutory functions under sections 5 and 5A of the Local Government and Housing Act 1989 and Part 3 of the Local Government Act 2000. They may arrange for their functions under sections 5 or 5A to be performed by a member of their staff, nominated as their deputy for the purposes of those sections, but only if they are unable to act owing to absence or illness. It appears that such nomination is also effective for the purposes of Part 3, and therefore in these protocols "Monitoring Officer" includes a deputy acting in those circumstances.
- 4) Under section 82A of the Local Government Act 2000 the Monitoring Officer may delegate some, but not all, Part 3 functions ("the Delegable Functions") to a person whom he or she has nominated. The criterion is that the Monitoring Officer considers that in a particular case he or she ought not to perform those functions.
- 5) The Delegable Functions are:
  - 1) Receiving a reference from a Standards Committee under section 57A of the Act and a direction to take steps other than an investigation, dealing with it and reporting further to the Standards Committee.
  - 2) Receiving a reference from a Standards Committee under section 57A of the Act and dealing with it by conducting an investigation, making a finding and reporting to the Standards Committee.
  - 3) Receiving a reference from an ESO under section 60 (2) or (3) of the Act and a direction to take steps other than an investigation, dealing with it and reporting further to the ESO.
  - 4) Receiving a reference from an ESO under section 60 (2) or (3) of the Act and dealing with it by

# Appendix 3

- conducting an investigation, making a finding and reporting to the Standards Committee.
- 5) Receiving a reference from an ESO under section 64 (2) or (4) of the Act following an investigation by the ESO, sending a copy of the ESO's report to the subject member and referring the report to the Standards Committee.
  - 6) The other functions under Part 3 cannot be delegated to a nominated person (the "Non-delegable Functions"). These include:
    - 1) Receiving a reference from an ESO following a finding of "no failure to comply" or "no action" and deciding whether to send it to any member or officer of the authority.
    - 2) Receiving a copy of an ESO's interim report and deciding whether to send it to the Standards Committee and/or any member or officer of the authority.
    - 3) Receiving notice of a decision of an interim case tribunal.
    - 4) Maintaining the register of interests.
  - 7) The Monitoring Officer also has "Non-statutory Functions": activities that are incidental to the specific statutory duties and help promote good standards of conduct, including:
    - 1) Giving general advice to members and officers of the authority.
    - 2) Ensuring that the authority complies with its responsibilities under Part 3 of the Act.
    - 8) The Monitoring Officer also has "Standards Committee Functions": activities to assist the Standards Committee in the exercise of its functions, including;
      - 1) Advising the Standards Committee on the exercise of its general and specific functions under section 54 of the Act (promoting and maintaining high standards of conduct, assisting members to observe the Code of Conduct, advising on the Code, monitoring the operation of the Code and advising and training members on it).
      - 2) Advising the Standards Committee on the exercise of its specific functions under the Act.
      - 3) Attending and advising at meetings of the Standards Committee or a Sub Committee:
        - i) Assessing a written allegation
        - ii) Reviewing the assessment of a written allegation
        - iii) Considering reports from Monitoring Officer following (a) and ESO investigation (b) a MO investigation (c) other action by the MO



# Appendix 3

- iv) Conducting a hearing
- v) Considering requests for dispensations
- vi) Exercising other functions.

clerical support for its meetings.

*Option 3* – for the period stated in column 1 of the following table, the Monitoring Officer for the Constituent Authority identified in Column 2.

9) The Monitoring Officers have agreed that these functions will be allocated in the following way:

- 1) They will each exercise the Non-delegable and Non-statutory functions relating to their authority.
- 2) They will consider in each case whether or not they ought to perform the Delegable Functions personally, and if they decide that they will not:  
  
[Insert text - Options include a lead authority offering this service, pooling spare capacity or joint procurement of external assistance.]
- 3) In so far as the Standards Committee functions relate to the Joint Standards Committee [or list the functions in question] then they will be discharged by  
  
[Option 1 - the Monitoring Officer for [insert name of Lead Authority].

*Option 2* – the Monitoring Officer for the Constituent Authority which the Joint Standards Committee has appointed to provide accommodation and technical, professional, administrative and

Table	
Column1	Column 2
Period	Constituent Authority
[insert period, eg 1 June 2009 to 31 May 2009. Consider whether to rotate quarterly, six monthly, annually or less frequently.]	[Insert name] [etc]
[etc]	

- 10) The Monitoring Officers will cooperate to achieve the objectives of this protocol. They recognise that the operation of this protocol will need to be amended and refined and will keep it under review. Any changes will be reported to the Joint Standards Committee and the Constituent Authorities.

# Appendix 4

## Allocation of expenses

The Constituent Authorities will have regard to the following principles in determining the allocation of expenses:

*[Select from the following. Delete references to parish councils if not relevant.]*

- Any expenses directly attributable to:
  - an investigation or other action taken following a reference to a Monitoring Officer
  - consideration of a report by an ESO or a Monitoring Officer following an investigation or other action
  - any hearing
  - any appeal
 will be allocated to the Constituent Authority of which the subject member or co-opted member is a member, or which is responsible for the subject parish council member or co-opted member.
- Expenses directly attributable to the assessment or review of assessment of written allegations will be allocated pro rata to the number of written allegations received against members or co-opted members of each Constituent Authority (or for which the Constituent Authority is responsible).
- Expenses relating to allowances paid to members of the Joint Standards Committee *[Option, if the joint committee appoints Independent Members – , apart from allowances paid to Independent Members appointed by the Joint Standards Committee]* by reason of their attendance at meetings

and other related activities will be allocated pro rata to the number of members appointed by the authorities *[Or will be allocated to the Constituent Authority which appointed the member to whom the allowance was paid].*

- Expenses *[Or Other expenses]* will be shared equally between the Constituent Authorities.
 

*[Or]*
- Expenses *[Or Other expenses]* will be shared in the following proportions:
 

*[Name of authority] : [insert] %*

*[etc]*

*[Or]*
- Expenses *[Or Other expenses]* will be shared pro rata to the number of written allegations received against members or co-opted members of each Constituent Authority (or for which the Constituent Authority is responsible).

# Schedule 2

## CHECKLIST (NOT TO FORM PART OF CONSTITUTION)

In order to decide which options to select, the Constituent Authorities will need to decide:

- 1) The name of the Joint Standards Committee.
- 2) Whether the Joint Standards Committee is to receive written allegations for assessment.
- 3) Whether any of the Constituent Authorities is responsible for parish councils.
- 4) The number of members of the Joint Standards Committee.
- 5) The number of members appointed from each of the Constituent Authorities.
- 6) The number of parish council members appointed by each of the Constituent Authorities.
- 7) Whether the Joint Standards Committee or the Constituent Authorities will appoint Independent Members, and, in either case, how many.
- 8) Whether any of the Constituent Authorities is to have the sole right to appoint an executive member, or whether this right is to be allocated by agreement (or in default, in turn on an annual basis), or by some other means.
- 9) Whether a Constituent Authority should be able to replace a member they have nominated, or whether the appointment should be for a period of time (subject to continuing eligibility).
- 10) Which Constituent Authority is to provide support and proper officer functions, and whether this is for an indefinite period or by rotation.
- 11) Whether, in principle, all Joint Standards Committee members of the same type, and with the same responsibilities, should be entitled to the same allowance.
- 12) What period of notice is needed to withdraw from the joint committee.
- 13) Whether the joint committee is to exercise all relevant functions, and, if not, which it is to exercise.
- 14) Whether the joint committee is to exercise the same functions for all Constituent authorities.
- 15) Whether the joint committee is to exercise other Part 3 functions, and, if so, which.
- 16) The quorum for Committee meetings.
- 17) Whether Sub Committees are to have standing or ad hoc chairs/chairmen.
- 18) How expenses are to be shared: in particular whether:
  - 18.1) the authority concerned should bear the whole cost of their investigations, hearings and appeals;
  - 18.2) assessment costs should be allocated pro rata to the number of complaints per authority;
  - 18.3) allowances should be paid by the nominating authority;
  - 18.4) other expenses (e.g. training) are to be shared equally or in some other proportion.



# Schedule 2

The Monitoring Officers will need to decide:

- 1) Which options for the discharge of delegable functions by nominated officers they prefer.
- 2) Who is to advise the Joint Standards Committee, and for how long.

The Joint Committee will need to decide:

- 1) The number, composition and terms of reference of sub committees.
- 2) The quorum for Sub Committee meetings
- 3) Whether it should have more detailed procedural rules for meetings, and if so which.
- 4) The procedural rules for hearings.
- 5) Assessment and review criteria and other policies.

<b>REPORT TO:</b>	Standards Committee
<b>DATE:</b>	9 <sup>th</sup> September 2009
<b>REPORTING OFFICER:</b>	Strategic Director Corporate and Policy
<b>SUBJECT:</b>	Other Action Guidance
<b>WARDS:</b>	N/A

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To advise Members of the contents of the recent Standards for England Publication "Other Action Guidance".

## **2.0 RECOMMENDATION**

- 2.1 That the report be noted

## **3.0 SUPPORTING INFORMATION**

- 3.1 Members may recall that at the last meeting of the Committee on 3<sup>rd</sup> June 2009, the Monitoring Officer reported that Standards for England had just issued guidance on Other Action in terms of the assessment of complaints.
- 3.2 He indicated that a report would be brought to the next Meeting.

Members will also recall having received the Standards Board's guidance on local investigations and other action last year.

Since then, there has been some uncertainty on the circumstances in when "Other Action" can be taken in the context of assessment.

Members are aware that in considering a complaint, the assessment sub committee may take one of three options in dealing with a complaint that a Member has failed or may have failed to comply with the Code of Conduct. It can decide to refer the complaint to the Monitoring Officer, refer it to the Standards Board, or take no action.

If the assessment sub committee decides to refer the complaint to the Monitoring Officer, it can direct him or her to investigate the matter or, alternatively, it can direct him or her to take steps other than carrying out an investigation. This is known as Other Action.

The Standards Board's key messages on Other Action are:

- Complaints should not be referred for Other Action when an investigation is in the public interest, when an

allegation challenges the members honesty or integrity, or where if proven to be true, the alleged conduct would undoubtedly warrant a sanction.

- A referral for Other Action closes the opportunity to investigate.
- A decision to refer a complaint for Other Action makes no finding of fact, and the action decided on must not imply that the subject of the complaint has breached the Code of Conduct.
- Assessment sub committees cannot direct the subject member or any other party to take action. The direction is to the Monitoring Officer.
- Although there is no formal route for dealing with a Member who refuses to comply with Other Action, failure to cooperate may amount to bringing the Authority into disrepute.
- Generally, there are two indicators for Other Action. The first is when there is evidence of poor understanding of the Code of Conduct and / or the Authority's procedures. The second is when relationships within the Authority as a whole have broken down to such an extent it becomes very difficult to conduct the business of the Council.

The Standards Committee (England) Regulations 2008 explain that the steps a Standards Committee can direct a Monitoring Officer to take are:

- Arranging for the Member to attend a training course.
- Arranging for the Member and Complainant to engage in a process of conciliation.
- Any other steps (not including an investigation) which appear appropriate.

The attention of Members is drawn to detailed guidance from the Standards Board which appears at Appendix one of this Report.

#### **4.0 POLICY IMPLICATIONS**

4.1 None

#### **5.0 OTHE IMPLICATION**

5.1 None

#### **6.0 IMPLIATIONS FOR THE COUNCIL'S PRIORITIES**

6.1 **Children and Young People in Halton** – None

6.2 **Employment and Learning Skills in Halton** – None

6.3 **A Healthy Halton** – None

6.4 **A Safer Halton** – None

6.5 **Halton's Urban Renewal** – None

**7.0 RISK ANALYSIS**

7.1 No key issues have been identified which require control measures

**8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 There are no such issues arising directly from this Report

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

9.1 There are no documents under the meaning of the Act.



# OTHER ACTION GUIDANCE

The page features a dark, textured background with several large, light-colored, curved bands that sweep across the frame from the top left towards the bottom right. The bands are of varying thickness and create a sense of movement and depth. The text is positioned in the upper left quadrant, overlapping the dark background.



# contents

<b>introduction</b>	<b>2</b>
<b>what is other action?</b>	<b>3</b>
<b>what might other action involve?</b>	<b>4</b>
<b>deciding on other action</b>	<b>5</b>
<b>when is other action appropriate</b>	<b>7</b>
<b>adjournment</b>	<b>8</b>
<b>role of the monitoring officer</b>	<b>10</b>
<b>consideration of the monitoring officer's report</b>	<b>11</b>
<b>what if other action does not work?</b>	<b>12</b>
<b>why other action closes the opportunity to investigate</b>	<b>13</b>

# introduction

- 1) This guidance on other action is aimed at members of standards committees. It is not mandatory but has been written to help describe what other action is, when it might be used, and how the process can be managed.
  - Although there is a process for dealing with a member who refuses to comply with other action, failure to take other action may amount to bringing the member into disrepute.
- 2) Advice for monitoring officers on carrying out other action is available in the Standards Board's guidance, **Local Investigations and Other Action and How to Conduct an Investigation**.
- 3) The Standards Board's key messages on other action are:
  - Complaints should not be referred for other action when an investigation is in the public interest, when an allegation challenges the member's honesty or integrity, or where if proven to be true, the alleged conduct would undoubtedly warrant a sanction.
  - A referral for other action closes the opportunity to investigate.
  - A decision to refer a complaint for other action makes no finding of fact, and the action decided on must not imply that the subject of the complaint has breached the Code of Conduct.
  - Assessment sub-committees cannot direct the subject member or any other party to take action. The direction is to the monitoring officer.

# what is other action?

- 4) An assessment sub-committee has **three** options when dealing with a complaint that a member has failed or may have failed to comply with the Code of Conduct. The Local Government Act 2000, as amended, states that it can decide to refer the complaint to the monitoring officer of the authority concerned, refer it to the Standards Board, or take no action.
- 5) If the assessment sub-committee decides to refer a complaint to the monitoring officer, it can direct them to investigate the matter. Alternatively, it can direct them to take steps other than carrying out an investigation. This is known as other action.
- 6) Generally, there are **two** indicators for other action. The **first** is when there is evidence of poor understanding of the Code of Conduct and/or the authority's procedures. The **second** indicator for other action is when relationships within the authority as a whole have broken down to such an extent that it becomes very difficult to conduct the business of the council.
- 7) The Standards Committee (England) Regulations 2008 explain that the steps a standards committee can direct a monitoring officer to take are:
- arranging for the member to attend a training course
  - arranging for the member and complainant to engage in a process of conciliation
  - any other steps (not including an investigation) which appear appropriate
- 8) Suggestions as to types of training courses a member might attend, and other steps a standards committee might consider appropriate, are listed in the next section (**What might other action involve?**).

# what might other action involve?

- 9) The Standards Committee (England) Regulations 2008 specifically provide that a referral for other action may consist of a direction to the monitoring officer to arrange for the member to attend a training course. Training may be in anything the assessment sub-committee deems appropriate, such as:
- chairing skills
  - working with external bodies and partnerships
  - governance issues
  - the Code of Conduct
  - council procedures and protocols
  - legal matters
  - planning and licensing
  - working with officers
  - use of council resources
- 10) In general, other action may take the form of directing the monitoring officer to arrange for the:
- redrafting of council procedures or policies
  - training of members of the council as a whole
  - mentoring of a member or members, or whole council
  - management of conflict
  - development of council protocols
  - implementation of a council complaints procedure
- 11) A referral for other action does not mean that the member has been found to have done anything wrong (see the next section 'Deciding to take other action'). It is therefore very important that the action proposed does not imply this. Other action cannot, for example, take the form of requiring the subject member to apologise. Of course, in those cases where the member has admitted the breach and offered an apology, the assessment sub-committee may decide that no further action is necessary.
- 12) It is particularly important to remember that an assessment sub-committee can only direct a monitoring officer to take other action. It has no power to direct anyone else to do so.

# deciding on other action

- 13) A decision to refer a complaint for other action – like all assessment decisions – does not involve making any findings of fact. All parties should understand that a decision to take other action means that no conclusion has been reached about what happened. Furthermore, no decision has been made about whether the subject member failed to comply with the Code.
- 14) Similarly, everyone involved in a decision to take other action must understand that the purpose of such a referral is not to find out whether the member breached the Code of Conduct. This is regardless of how simple it may be to establish the facts. A decision to direct the monitoring officer to take other action is an alternative to an investigation. It cannot ever result in a finding that the member has or has not failed to comply with the Code.
- 15) The assessment sub-committee needs to be satisfied that even if the specific allegation had occurred as alleged, it would not be behaviour which would necessarily require the subject member to face one of the sanctions it could impose. This excludes training, which can be other action decided on at assessment stage, and a sanction following a hearing. The assessment sub-committee should also be satisfied that other action could assist the proper functioning of the council.
- 16) Other action is not intended to be a quick and easy means of dealing with matters which the assessment sub-committee considers to be too trivial or time-consuming to investigate. Genuinely trivial cases are better dealt with by a decision to take no action. While other action can be a cost-effective way of getting a matter resolved, it is not a quick-fix. Furthermore, other action should not be seen as a routine or cheap way of disposing of an allegation, as it can sometimes be a drawn out, costly and time-consuming process.
- 17) Standards committees should take care to avoid it appearing to the complainant that deciding to take other action is sweeping matters under the carpet. The decision should demonstrate to the complainant that their complaint is being addressed and being taken seriously, although perhaps as part of a wider issue.
- 18) Importantly, if a complaint merits being investigated, then it should be referred for investigation. For example, complaints should not be referred for other action when an investigation would be in the public interest. Other action should also be avoided where the allegation fundamentally challenges the member's honesty or integrity. It should additionally be avoided where the allegation, if proven, would warrant any of the sanctions (apart

# deciding other

from training) available to a standards committee after a hearing.

- 19) Assessment sub-committees must not refer an allegation for other action without consulting the monitoring officer, who will often be present at the assessment meeting. If the monitoring officer is not present, and has not given any indication of their views on other action, the assessment meeting may need to be adjourned.
- 20) The monitoring officer may be able to advise the assessment sub-committee how viable the proposed other action is, by providing information on the resources available to them. They may be able to tell the assessment sub-committee how much any proposed other action might cost. They might also be able to advise whether, for example, the authority has access to the facilities or resources needed to accomplish it, such as trained mediators.



# when is other action appropriate?

- 21) The first stage in assessing a complaint is to determine whether it is within jurisdiction. In other words, the assessment sub-committee needs to decide whether, if what the complainant alleges were true, the Code of Conduct would apply. If the Code would not apply to the alleged conduct, the only decision an assessment sub-committee is able to make is to take no action. Other action will never be appropriate in these cases.
- 22) In general, the Standards Board believes that other action is most beneficial when used to deal with systemic problems rather than individual ones. The action proposed does not have to be limited to the subject of the complaint. Several members, or indeed a whole authority, could be included in the action the monitoring officer is asked to take.
- 23) Matters which standards committees might consider referring for other action include:
- the same particular breach of the Code by many members, indicating poor understanding of the Code and the authority's procedures
  - a general breakdown of relationships, including those between members and officers, as evidenced by a pattern of allegations of minor disrespect, harassment or bullying to such an extent that it becomes difficult to conduct the business of the council
  - misunderstanding of procedures or protocols
  - misleading, unclear or misunderstood advice from officers
  - lack of experience or training
  - interpersonal conflict
  - allegations and retaliatory allegations from the same members
  - allegations about how formal meetings are conducted
  - allegations that may be symptomatic of governance problems within the council, which are more significant than the allegations in themselves
- 24) We advise standards committees to draw up assessment criteria which detail the matters they will take into account when deciding what action, if any, to take. Every decision to take other action – like all assessment decisions – can then be made with reference to these criteria.

# adjournment

- 25) Some assessment sub-committees are reluctant to refer a complaint for other action without knowing whether the subject member and other members of the authority will cooperate with the proposed approach.
- 26) One way of dealing with this issue is by adjourning the assessment of a complaint that the assessment sub-committee considers might be suitable for other action. The standards committee can then ask the monitoring officer to find out whether the member or members will cooperate. Although this option is not specifically provided for by the legislation, we do not consider that it is prohibited. Meetings may also be adjourned to enable the monitoring officer to find out more information about the complaint.
- 27) It is up to each authority to decide whether their assessment of a particular complaint should be adjourned. They should consider the advantages and disadvantages of adjournment when making this decision. They should also bear in mind that we advise that assessment decisions should be made within an average of 20 working days, and that an adjournment may mean that the average assessment time increases.
- 28) Advantages of adjournment are:
- Those sitting on the assessment sub-committee will know what the members think about the proposed solution, and may therefore be more confident in making their decision.
  - Members may be likely to cooperate if they are made aware of the options available.
  - When members indicate that the action would be ineffective, the sub-committee still have the option of deciding to refer the complaint for investigation.
  - Further information obtained by the monitoring officer may mean that the complaint is effectively resolved, enabling the sub-committee to decide to take no action.
- 29) Disadvantages of adjournment are:
- Finding out members' views runs the risk of putting the decision about what action to take into the hands of the member, rather than the sub-committee.
  - The authority of the standards committee may be undermined if other action is agreed through negotiations between the monitoring officer and the member or members.
  - By making further enquiries, the monitoring officer may end up starting an investigation before the assessment decision is made.

# adjournment

- The member or members may try to pass on more information to the monitoring officer, to persuade the sub-committee to take no action.
- 30) As an alternative to adjourning the assessment meeting, the standards committee could agree that the monitoring officer seeks views on other action when they receive a complaint.

# role of the monitoring officer

- 31) When a matter has been referred for other action, it is the monitoring officer's duty to give notice to the relevant parties. These relevant parties are:
- the subject member
  - the person who made the allegation
  - the standards committee of any other authority concerned
  - any parish council concerned
- 32) If the standards committee issues a decision notice that goes to all these parties, the Standards Board considers that the monitoring officer's responsibility is met.
- 33) Whoever notifies the parties of the decision should take care over how the decision is conveyed. It is important that the wording does not imply that the member is culpable. It is also important that members do not feel they have been found guilty without an investigation of the allegation. Note that both parties could end up potentially feeling dissatisfied. This is because complainants and subject members do not have the right to have the decision to refer a matter for other action reviewed under Section 57B of the Local Government Act 2000.
- 34) When a monitoring officer receives a referral with a direction to take other action, they must deal with it in accordance with the direction. They do not have discretion to take a different course of action and should make every attempt to ensure that the action specified is carried out successfully.
- 35) Information and advice for monitoring officers on carrying out other action is available in the Standards Board's guidance, **Local investigations and other action and How to conduct an investigation**.
- 36) The monitoring officer must submit a written report to the standards committee within three months of receiving the direction, or as soon as possible after that. This report must give details of the action taken or the action proposed to comply with the direction.

# consideration of the monitoring officer's report

- 37) The standards committee or an appropriate sub-committee should consider the monitoring officer's report and decide whether it is satisfied with the action described. The meeting at which the report is considered is subject to the general notice and publicity requirements under regulation 8 of the Standards Committee (England) Regulations 2008.
- 38) The monitoring officer's report can be considered by the same members who initially assessed the complaint, by another sub-committee, or by the standards committee as a whole. This is a decision to be made by each authority, and will depend on the way in which the committee has been set up, what sub-committees it has and the terms of reference of each body.
- 39) The advantage of the same members considering the report is that they will be aware of the details of the original complaint. However, some authorities may consider that convening a sub-committee simply for this purpose is not a good use of time and resources. They might instead choose to include consideration of the monitoring officer's report as an item on the agenda of the regular meeting of the standards committee.
- 40) If the standards committee or sub-committee is satisfied with the action described in the monitoring officer's report, it should give notice of this to all of the following:
- the subject member
  - the person who made the allegation
  - the standards committee of any other authority involved
  - any parish council concerned
- The matter is then closed.
- 41) If the standards committee or sub-committee is not satisfied, it must give another direction to the monitoring officer, which must again be to take some kind of other action. The standards committee cannot at this stage decide that the matter should be investigated. This is discussed further in the section below.
- 42) If the report describes action which has been proposed but not yet taken, the standards committee should decide whether this is satisfactory. If it has doubts about whether the action will take place, it should consider whether or not to give a further direction to the monitoring officer. The standards committee or sub-committee may also consider making a further direction where the report indicates that the member has refused to cooperate, has done so unwillingly or inadequately, or has not engaged with the process.



# what if other action does not work?

- 43) Each time a standards committee or sub-committee directs a monitoring officer to take other action, the monitoring officer must submit a written report detailing the action taken or proposed. If dissatisfied, the standards committee can direct the monitoring officer to take further other action.
- 44) In theory, if a standards committee continues to be dissatisfied, it can continue to issue directions until it is satisfied. However, standards committees should be proportionate and reasonable in their directions. We believe that the process should be drawn to a close after a limited number of attempts by the monitoring officer to bring about other action – even where this has not occurred in accordance with the direction.
- 45) There is no formal route for dealing with a member who categorically refuses to comply with other action. However, the Standards Board believes that deliberate and continued failure to cooperate with a monitoring officer who is trying to carry out the directions of a standards committee may potentially amount to conduct which brings the office of councillor into disrepute. Furthermore, an assessment sub-committee may take this into account when deciding what action to take if they are assessing a complaint about a member who has previously failed to cooperate.
- 46) If a standards committee receives a complaint that a member did not cooperate with other action in relation to a previous complaint, they should only assess the complaint about the failure to cooperate. They should not take into account the conduct which led to the original complaint.
- 47) If the complaint is accepted for investigation then it is vitally important that any investigation focuses on the lack of cooperation and not the original complaint that led to the other action. Otherwise there is a danger that the original complaint will be resurrected. This is particularly important where the member says that the lack of cooperation was because they had done nothing wrong.

# any other action closes the opportunity to investigate

- 48) Once an assessment sub-committee has decided to refer a matter for other action, this becomes the way forward in that particular case. If a standards committee is not satisfied that the action taken has not achieved the aim of the direction to take other action, it cannot then decide the matter should be investigated. The assessment sub-committee needs to be clear at the outset that should other action be unsuccessful or only partially successful, that it would still then remain the preferred course of action.
- 49) The legislation is clear on this issue. Once an allegation is referred under Section 57A(2) of the Local Government Act 2000 to the monitoring officer to take steps other than investigation, those steps are the ones referred to in regulation 13(3) of the Standards Committee (England) Regulations 2008. They are limited to arranging for training, a process of conciliation or such other steps – not including investigation – which the standard committee considers to be appropriate. There is no power that allows the case to be referred on for investigation if these options under regulation 13(3) are perceived to have failed.
- 50) Regulation 14(1) of the same regulations says that regulation 14 applies only if regulation 13 is not applied. If other action has been attempted, regulation 13 has been applied.
- 51) As well as being set out in statute, there are sound reasons why complaints which have been referred for other action should not then be investigated. Firstly, there are difficulties in deciding why the action has 'failed'; whether it has failed and if so, why an investigation is thought to be needed. This subjective judgment has the potential to increase the complainant or the subject member's dissatisfaction with the process. In some circumstances, it may also risk deliberate non-cooperation with the action prescribed in order to secure an investigation.
- 52) An investigation should not be viewed as something that can take place after other action has been attempted and is not to the satisfaction of one of the parties. There is a risk that other action will not be taken seriously if it is seen merely as a precursor to an investigation.

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**REPORT TO:** Standards Committee

**DATE:** 9<sup>th</sup> September 2009

**REPORTING OFFICER:** Strategic Director - Corporate and Policy

**SUBJECT:** Standards Board Information Round-up

**WARDS:** N/A

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To bring Members of the Committee up to date with the latest news from the Standards Board.

## **2.0 RECOMMENDATION**

- 2.1 That the Report be noted.

## **3.0 SUPPORTING INFORMATION**

- 3.1 Since the last meeting of the Committee, the Standards Board has released bulletin 44 which is attached at Appendix one and can be accessed by following link –  
<http://www.standardsboard.gov.uk/publications/thebulletin>

The bulletin reports that the Standards Committee (Further Provisions) Regulations 2009 came into force on 15<sup>th</sup> June 2009. Separate reports appear elsewhere on this Agenda dealing with the establishment of joint Standards Committees, and the powers of the Standard Board for England to suspend Standards Committees' assessment and review functions.

The bulletin also contains a section dealing with changes to the criteria for granting dispensation to Members who would otherwise be unable to take part in authority business because of a prejudicial interest. An overview of the position and a link to the guidance are contained within the bulletin. It is for the Standards Committee itself to decide what criteria they will apply when considering a request. A request must be made by a Member in writing, and there is no right of appeal from the Standards Committee's decision. The Committee can decide on the nature and length of time of a dispensation, or although it cannot be longer than four years.

The bulletin also contains articles on support for the Code of Conduct, the impact and effectiveness of the ethical frame work in local government, the impact of quarterly returns after one year of operation, and the revised guidance recently issued by the Local Government Association on Good Planning Practice.

**4.0 POLICY IMPLICATIONS**

4.1 None

**5.0 OTHER IMPLICATION**

5.1 None

**6.0 IMPLIATIONS FOR THE COUNCIL'S PRIORITIES**

6.1 **Children and young people in Halton** – None

6.2 **Employment and Learning Skills in Halton** – None

6.3 **A Healthy Halton** – None

6.4 **A Safer Halton** – None

6.5 **Halton's Urban Renewal** – None

**7.0 RISK ANALYSIS**

7.1 No key issues have been identified which require control measures

**8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 The Report of itself does not contain specific equality and diversity issues

**9.0 LIST OF BACKGROUND PAPERS UNDER SECION 100D OF THE LOCAL GOVERNMENT ACT 1972**





## New regulations come into force

In *Bulletin 42* we explained that regulations were being prepared to allow the Standards Board to suspend the initial assessment functions of an authority and to enable authorities to establish joint standards committees. The Standards Committee (Further Provisions) Regulations 2009 came into force on 15 June 2009. **Guidance about establishing joint standards committees** has been issued by the Standards Board to coincide with the regulations.

The regulations are much as expected and you may wish to refer to the **relevant article in Bulletin 42** for a summary of what they contain.

The regulations also amend the powers of standards committees to grant dispensations to members who would otherwise be unable to take part in authority business because of a prejudicial interest. There is a separate article about dispensations in this Bulletin and **guidance has also been issued** on our website.

## Changes to criteria for granting dispensations

The Standards Committee (Further Provisions) (England) Order 2009 makes changes to the criteria for granting dispensations for members to speak and vote when they have a prejudicial interest.

A standards committee can grant a dispensation to a member:

- where more than 50% of the members who would be entitled to vote at a meeting are prohibited from voting **OR**
- where the number of members that are prohibited from voting at a meeting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced.

To decide whether these criteria apply, members must ignore any dispensations that have already been given to others at the meeting. The requirement to ignore any dispensations already granted means that any previously granted dispensations are disregarded for the purposes of working out whether the two circumstances above apply.

So, if there were ten members on a committee, six of whom would not be able to vote on some business, all six can claim a dispensation. If previously granted dispensations were not disregarded, a situation could arise where once two people had been granted dispensations, the remaining four would be ineligible. This is because at that point there would be less than 50% of the committee who could not vote.

Even if the criteria apply, members cannot get a dispensation to:

- allow them to take part in voting at an overview and scrutiny committee about a decision made by any body of which they were a member at the time the decision was taken
- allow an executive member with a prejudicial interest in an item of executive business to take an executive decision about it on their own

Ultimately it is for an authority's standards committee to decide what criteria they will apply when considering a request.

The criteria that will be applied and the process that will be followed should be made available to all members by the standards committee.

By law, a member must submit an application in writing for consideration by the standards committee. It is up to the standards committee whether or not they grant a dispensation and there is no right of appeal from their decision.

A standards committee can decide the nature of any dispensation it grants. For example, the dispensation may allow a member to speak and not vote, or to fully participate and vote. The committee can also decide how long the dispensation should apply, although it cannot be longer than four years.

After four years has elapsed since a dispensation was granted, it can no longer be used.

The decision must be recorded in writing and must be kept with the register of interests maintained by the monitoring officer.

We have issued new guidance on dispensations to reflect the new regulations. The guidance can be found by clicking [here](#).

## Standards Board responds to CSPL inquiry

The Standards Board has responded to the inquiry into MPs' expenses held by the Committee on Standards in Public Life. You can view our response to the Committee on Standards in Public Life's inquiry by clicking [here](#).

## Support for Code of Conduct 'remains high'

Newly-published research suggests that member behaviour is improving and that support for the Code of Conduct remains high.

The Standards Board surveys the level of satisfaction in local government with our performance, and attitudes to the ethical environment, every two years. This year we commissioned BMG Research to carry out this survey on our behalf. As some of you may know, the survey was first undertaken in 2004 and was repeated in 2007.

The report's key findings are:

- 62% consider us successful in keeping local government, in general, informed about what we are doing (52% in 2007 and 46% in 2004). We are committed to making continuous improvements in this area.
- Support for the Code of Conduct remains high - 94% support the requirement for members to sign a Code of Conduct (93% in 2007 and 84% in 2004)
- 47% of respondents stated that they think members standards of behaviour have improved (44% in 2007, 27% in 2003).
- 75% of stakeholders have confidence in the way their local standards committee deals with complaints about members.
- This year we also asked respondents if they support the requirements for an officer's code - 88% of members expressed support for a requirement for an officer's code compared with 70% of monitoring officers and 78% of town/parish clerks. We will be feeding this information back to the department for Communities and Local Government.

Questions asked in the survey covered a number of areas including:

- attitudes to the Standards Board and ethical environment
- perceptions of the Standards Board
- views on our publication and website
- suggestions for ways in which we can improve our communication

In total, BMG received 1,973 completed questionnaires; this represents a response rate of 44% among town and parish councils, and 32% among principal and other authorities.

The research findings allow us to identify strengths and weaknesses, as well as demand for our services. In this way we can tailor our communications and advice and guidance to the needs of our stakeholders. Since the research also collects data on attitudes to the ethical environment, we can also use it to help us assess the impact of the standards framework.

Thank you to everyone who participated in this survey, it is only through your continued support with our research that we are able to track the progress we are making.

A copy of the full report can be downloaded by clicking [here](#).

For further information, please contact:

Cara Afzal (Deputy Research and Monitoring Manager) on 0161 817 5314 or email [cara.afzal@standardsboard.gov.uk](mailto:cara.afzal@standardsboard.gov.uk).

## Studying the impact and effectiveness of the ethical framework in local government

In 2006, we commissioned Cardiff University to carry out a five-year project to identify the impact of the standards framework within nine local authorities. Year one of this study is now complete.

This project also involved a survey of the public within the nine areas to identify any link between the activities of a local authority and public perceptions. This research is being led by Dr Richard Cowell from the Centre for Local and Regional Government Research.

The research aims to address three main questions:

- Has the ethical framework caused any changes in local government processes and systems, and culture and values?
- Has the ethical framework had any effect on the conduct of councillors?
- Has the ethical framework had any effect on public attitudes to local government either directly, or through any changes in council processes and/or councillor conduct?

### What has the research found so far?

**Changes in processes, systems, culture, and values:** The research identifies that, in most councils, the ethical framework and standards have become established and accepted as part of corporate life. The majority of respondents are positive about the move towards local regulation (apart from a concern about costs). The formal components of the ethical framework are being implemented successfully and there is some desire among those interviewed for committees to take a more pro-active role in promoting good conduct.

**The conduct of councillors:** The research reveals many feel that the conduct of councillors has improved in recent years, and that ethical issues are being treated seriously. There also seems to be widespread support for the view that the ethical framework has been beneficial. Councils with better conduct tend to make more effort to continually train and remind councillors of their responsibilities, and to make involvement in training mandatory. The ethical framework has helped improve conduct by acting as a regulatory mechanism, being used to support the sanctioning, demotion or resignation of councillors who have caused serious ethical problems.

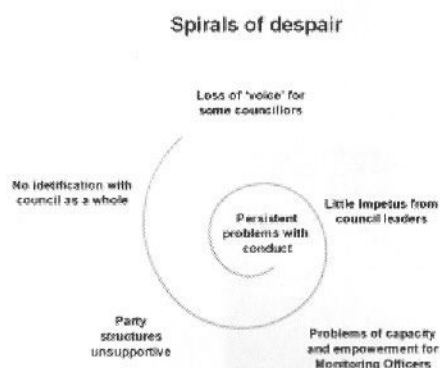
**Effect on public attitudes:** The research found that more positive public survey responses for trust are achieved in councils displaying good standards of conduct. In addition, councils with high levels of trust tend to be well managed. Nearly half of the public survey respondents were confident that their local authority would uncover breaches in standards of behaviour by a councillor. Furthermore, a similar proportion believe that those breaching the Code would be dealt with effectively.

The research has also highlighted two very useful typologies, "Virtuous circles", and 'Spirals of despair'.

- "Virtuous circles" - refer to those organisational and cultural factors that lead to effective use of the ethical framework and good conduct
- "Spirals of despair" - are factors that result in poor conduct

### Virtuous Circles





For more details on these factors, please click [here](#) to read the full report.

We are committed to making findings from our research accessible to our stakeholders and to this end we will continue to use various forums to disseminate the findings.

If you have any thoughts on this report, or the usefulness and accessibility of other Standards Board research please do not hesitate to contact Cara Afzal, Deputy Research and Monitoring Manager on 0161 817 5414, or email [cara.afzal@standardsboard.gov.uk](mailto:cara.afzal@standardsboard.gov.uk).

## Quarterly returns – one year on

We have been collecting quarterly returns for a year now and so take the opportunity to reflect on how the local framework has bedded in.

Firstly, we would like to thank all monitoring officers and their colleagues who made returns to the Standards Board. We are delighted with the consistent high level of completed returns. For quarter four – as with quarter two – we received a return from every authority. This was a particularly good achievement as we asked those authorities that were being abolished to send their returns earlier than the normal schedule. Undoubtedly, these authorities were under extreme pressure preparing for the transition to unitary status.

We do not underestimate how difficult it must have been to find time to complete the quarterly returns. We are hopeful that the impressive return rate will continue into the next financial year.

The next collection period for the 1 April – 30 June quarter will be 1-14 July.

### What can we tell from the first year's worth of data?

#### Standards committees

Quarterly returns tell us that a typical standards committee has **10** members. In an authority without parishes it has **9** members, including **4** independent members. In an authority with parishes it is slightly larger with **11** members, including **4** independent members and **3** parish representatives.

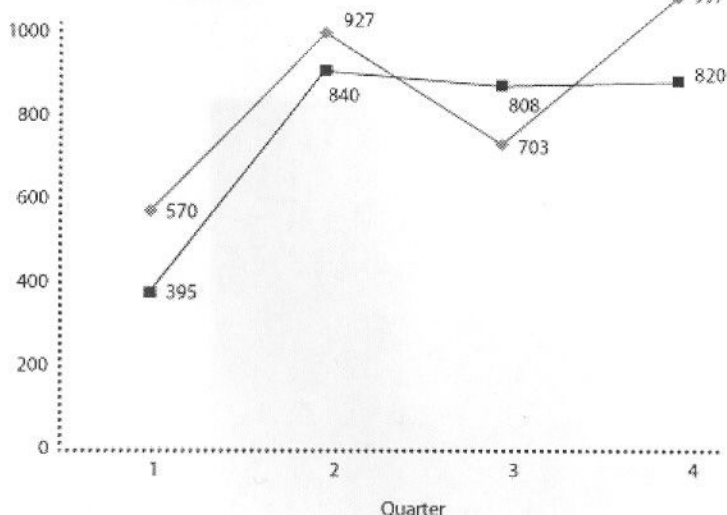
On average, district and metropolitan councils have the largest standards committees and police authorities have the smallest. Standards committee composition has remained constant through all quarters.

#### Case handling

A total of **2,863** cases have been recorded on quarterly returns so far. This covers the time period 8 May 2008 to 31 March 2008. **345** authorities have dealt with at least one case during the first year. Of all the authorities with cases, the average recorded is **2** per quarter, a total of **8**.

It is still perhaps too early to identify trends and make generalisations, but it is interesting to note that in quarter 4, the number of cases received under the new framework is very similar to the previous two quarters (see chart below). This may indicate that the case load is levelling out, now that potential complainants are aware of the new system.

### Number of cases received

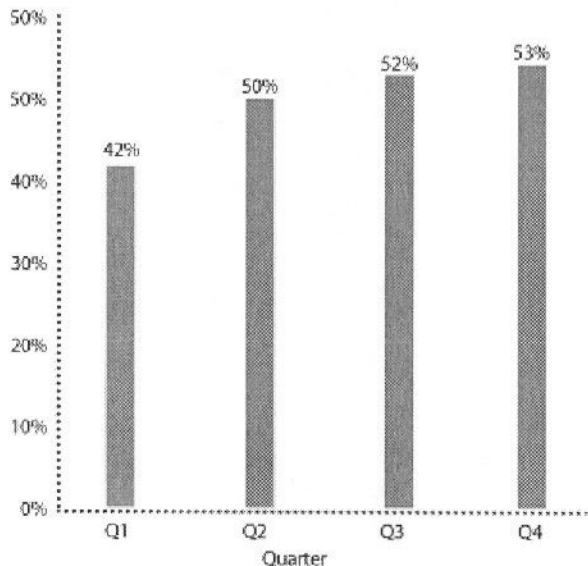


The majority of complaints, **54%**, are made by the public and **36%** are from council members. The remaining **10%** are from a combination of officers, parish or town clerks, MPs, monitoring officers, and those that fall into the category of 'other'. Again, these percentages have seen little change during the year.

### Initial assessment

The percentage of cases where no further action is taken is increasing each quarter.

### Percentage of no further action decisions



There have been 526 review requests through the year and 384 of these have been assessed. **94%** have remained 'no further action' and the other 25 (**6%**) were either referred for investigation or referred to us.

There are 224 cases with investigation outcomes recorded on quarterly returns. In **71%** of cases, no breach of the Code was found. In **25%** of cases, a breach was found and a penalty was imposed, and in **4%** of cases a breach was found but no further action was taken.

More details about the quarterly returns, such as what breaches of the Code have been recorded, can be found on our website by clicking [here](#). You can also contact the monitoring team on 0161 817 5300 or email [authorityreturns@standardsboard.gov.uk](mailto:authorityreturns@standardsboard.gov.uk).

## Good response for annual returns



We are very pleased with the number of returns we have received for the annual return questionnaire, which was launched on 20 April 2009.

As of 29 May, 95% of authorities had completed a return. This figure includes the new unitary authorities, which completed a shortened version.

We are now entering the analysis phase and first impressions are that there is a good range of notable practice to share with standards committees. More information about our findings will follow in future *Bulletins* and on our website.

## Probity in Planning Guidance Issued

The Local Government Association has recently published a revised guidance note on good planning practice for councillors and officers dealing with planning matters.

This 2009 update provides refreshed advice on achieving the balance between the needs and interests of individual constituents and the community and the need to maintain an ethic of impartial decision-making with regards to planning decisions.

For more information please see the [LGA website](#).

## A new look

From July this year there's a new look and feel to our communications – and we're introducing an abbreviated version of our name: Standards for England.

We've made this switch to emphasise how our role has changed over the past 18 months. During that time we've moved from being an organisation focused mostly on handling complaints to the strategic regulator of standards among local politicians. We'll be telling you more about our new role in our corporate plan, which will be available shortly.

And in our new role we're all about Standards for England.

We believe in principled local politics. Working with local authorities, their monitoring officers and local standards committees, it's our job to champion and promote high standards of conduct among our local politicians. We want to make sure the public are in no doubt that standards and principles matter to local government.

We've made changes after sampling the views of key stakeholders, including those in local government. We asked: what leadership do you expect from us? Our communications will do more to highlight the positive aspects of conduct; making the point that ethical behaviour is both a good thing in itself and good for local democracy.

You can read more about our refreshed identity on our website from 1 July. We'll be introducing style changes to our publications and our website over the next few months. We hope you'll like them, and as always we'll welcome your feedback.

We believe in Standards for England. We hope you do too.



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