

**STANDARDS COMMITTEE  
4 JULY 2007**

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**THE LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH BILL –  
INCREASING THE SIZE OF THE STANDARDS COMMITTEE**

**Purpose of Report**

1. To advise members of the effects for the Committee of the proposals in the Local Government and Public Involvement in Health Bill, and to make recommendations to address the foreseeable effects of the Bill's statutory enactment.

**Background**

2. The Standards Board for England has, under the provisions of the Local Government Act 2000, acted as a "filtering" mechanism for complaints made about alleged breaches of the Code of Conduct by local government members. Complaints have had to be submitted to the Standards Board, who have determined whether or not those complaints should be the subject of an investigation.
3. Part 9 of the Local Government and Public Involvement in Health Bill makes new proposals for this filtering mechanism. The proposals are aimed at devolving most decision-making on the conduct regime for local authority members to local authorities, with a revised, regulatory role provided for the Standards Board. The measures provide for local standards committees to make initial assessments of misconduct allegations and for review arrangements for those assessments which lead to no action being taken.
4. The indications are that the proposals are likely to be adopted and pass into statute. This will have implications for the work load of our Standards Committee.

**Main Considerations for the Council**

5. The current Standards Committee is composed of 6 members: 2 elected members and 4 independent members. The elected members are nominated by the County Council, and the independent members are selected for appointment by the Council by a panel consisting of a serving independent member of the Standards Committee, a member of the Overview and Scrutiny Committee, and an outside panellist. The Standards Committee's current membership reflects its existing workload.

6. If the Committee is to take on the task of acting as a local filter, its size will need to increase to a minimum of 9. This is because a panel of 3 people will be needed to conduct the filtering process. A further panel of 3 may be needed to conduct a review of a decision by the original panel to take no action on the complaint. Having done this, those involved in the filtering should not be further involved in the case, because they are likely to be deemed to be biased as a result of their earlier involvement and knowledge of the case and risk tainting the process and decision. A further panel of 3 will be required to conduct a hearing.
7. Members of the Standards Committee provide panels to consider customer complaints at the 3<sup>rd</sup> stage of the council's complaints procedure. Experience of these complaints panels has shown that it is very difficult, indeed often impossible, to convene a panel of 3 within the timescales set out in the procedure, and that in practice it would be difficult to convene a panel within the 3 months allowed for a hearing of an alleged breach of the Code of Conduct by an elected member. Conduct. This difficulty arises despite the fact that there is a pool of 6 members available to hear complaints – the difficulty will be far greater in the case of Code of Conduct hearings after the local filter is introduced, because the available pool will be reduced to 3, and to zero in cases where a review is requested. .
8. The introduction of a local filter will effectively mean that the 3 members of the Committee who were not involved in the filtering process must hear the case, and do so within 3 months of the investigating officer submitting a report. If a review of a decision to take no action is requested there will be no available pool. Consequently there is a very high risk that the authority will not be able to comply with its obligations to conduct a hearing within the statutory timescales with its current number of Standards Committee members.
9. Interviews for a vacancy for an independent member of the Standards Committee were conducted in April 2007. The interview panel members were advised of the likelihood that it would be necessary to increase the size of the Standards Committee in the foreseeable future as a result of the new filtering duty, and in any event before the next expected vacancy on the Standards Committee arose in April 2008. They therefore bore in mind the possibility that if more than one candidate were deemed to be suitable for the post of independent member of the Standards Committee, suitable candidates should not be rejected, even though the Panel was only interviewing for one vacancy.
10. In the event, there were 3 suitable candidates at interview. One was offered the vacant post and has now joined the Committee. The other 2 have been placed on a reserve list. They have indicated their willingness to join the Committee if the Council approves the proposed increase in the size of the Committee and their consequential nominations.

### **Environmental Impact of the Proposal**

11. None

### **Risk Assessment**

12. The risk of not increasing the size of the Committee is the high likelihood that the Council will be unable to comply with its statutory obligations. There is no risk in adopting the proposal.

### **Financial Implications**

13. The appointment of 2 more independent members to the Committee will entail committing the Council to the payment of two additional co-opted members' allowances (currently £2010 p/a).

### **Options Considered**

14. Officers considered waiting to make these proposals until the new legislation is brought into effect, which is expected to happen in April 2008. However, this would have incurred additional expense in advertising the vacancies and arranging interviews and would not have allowed sufficient time to ensure that the additional members of the Committee were properly briefed and trained before taking on these new responsibilities..

### **Proposals**

15. That the Standards Committee increases its membership from 6 to 9, with the appointment of one additional elected member and 2 additional independent members.
16. That the Standards Committee recommends the Council adopt the necessary consequential amendments to the Council's constitution.

**STEPHEN GERRARD**

Monitoring Officer

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**The following unpublished documents have been relied on in the preparation of this Report:** None