

**STANDARDS COMMITTEE  
18 MARCH 2009**

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**TRANSITIONAL REGULATIONS RELATING TO MEMBERS' CONDUCT**

**Purpose of Report**

1. To advise the Standards Committee of transitional regulations relating to Members' conduct which are due to come into force on 11 March 2009.

**Background**

2. The Government has laid before Parliament The Local Government (Structural Changes) (Further Transitional and Supplementary Provision and Miscellaneous Amendments) Regulations 2009 ("the Regulations"). These are due to come into force on 11 March 2009.
3. A copy of the Regulations is attached at Appendix 1. The relevant provisions are contained in Part 3 on pages 5 to 7. Members are also referred to the relevant paragraphs of the Explanatory Note on pages 11 and 12.
4. The Regulations make specific provision for continuity of matters relating to allegations of misconduct against members of councils which will cease to exist as a result of local government reorganisation on 1 April 2009.

**Main Issues for Consideration**

5. The main effect of the Regulations for Wiltshire Council may be summarised as below.
6. Where an outgoing Wiltshire District Council has investigated an allegation of misconduct and is minded to suspend a member for a period that would extend beyond 1 April 2009 the Council is required to refer the matter to the Adjudication Panel for England. The Adjudication Panel will then determine the matter under its powers, which include the power to suspend members from membership of any relevant authority (Regulation 5).
7. Where steps taken by an outgoing Wiltshire District Council in relation to an allegation of misconduct will not be completed before 1 April their monitoring officer must provide Wiltshire Council's monitoring officer with all documents and information relevant to the allegation and a summary of the steps taken. Wiltshire Council then stands in the shoes of the outgoing District Council and is required to take whatever steps remain to be taken under the Standards

Committee (England) Regulations 2008 in relation to that allegation.

8. Regulation 6 specifies in detail what action should be taken by Wiltshire Council's Standards Committee, depending on what stage the outgoing District Council has reached in dealing with the allegation.
9. An allegation of misconduct against a member of an outgoing District Council made after 1 April must be referred to Wiltshire Council's Standards Committee.
10. The Standards Committee may also be required to review a decision of an outgoing District Council not to take any further action in relation to a complaint, subject to a time limit of 30 days from the date of notification of the decision by the District Council.
11. Monitoring Officers of the four outgoing District Councils have been asked to provide details of any outstanding complaints. The latest position will be reported at the meeting.

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

12. None.

#### **Equalities Impact of the Proposal**

13. There are no equality issues.

#### **Risk Assessment**

14. The Regulations make explicit provision for continuity of process in relation to allegations of misconduct and will minimise the risk of confusion or delay in determining these matters.

#### **Financial Implications**

15. None arising from this report.

#### **Legal Implications**

16. The Council is required to comply with the Regulations when they come into force on 11 March 2009.

## **Proposal**

17. Members are asked to note the effect of the Regulations and how any outstanding complaints from the District Councils will fall to be dealt with after reorganisation on 1 April 2009.

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## **Appendix**

The Local Government (Structural Changes) (Further Transitional and Supplementary Provision and Miscellaneous Amendments ) Regulations 2009