

**Title: The Size and Membership of the Standards Committee**

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### **Purpose**

To review of the size and membership of the Standards Committee in the light of changes to the role of the Committee which will come into effect in April 2008.

### **Background**

The Local Government and Public Involvement in Health Act 2007 proposes a number of changes to the way in which allegations of breaches of the Code of Conduct are dealt with. All allegations are in future to be made to the appropriate Standards Committee rather than the Standards Board for England. The Standards Committee will be responsible for deciding whether any action needs to be taken. This is known as local assessment.

A person may make a written allegation that a councillor has contravened the Code of Conduct to the Standards Committee. The Committee then has the option of three courses of action which it will have to consider at a meeting.

The options are to:-

- (a) refer it to the Monitoring Officer for investigation
- (b) refer it to the Standards Board or
- (c) decide that no action should be taken.

Where a Standards Committee refers the complaint to the Standards Board under option (b) above, the Standards Board must:

- (i) refer it to an Ethical Standards Officer for investigation,
- (ii) decide that no action should be taken, or
- (iii) refer it back to the Standards Committee

If the Standards Committee decides, under option (c) above that no further action is required and rejects the complaint, the complainant must be notified together with reasons.

All these provisions are subject to regulations and directions to be made by the Secretary of the Board.

## **Effect on standards committees**

The 2007 Act introduces a requirement that the Standards Committee be chaired by an independent member, i.e. not a member or officer of the authority.

The Standards Committee may appoint one or more sub-committees. In deciding whether to do so it must consult the parish/town councils for which it is responsible. The number and terms of office of sub-committee members are to be fixed by the Standards Committee following consultation with the parish/town councils.

The Standards Committee or any of its sub-committees must include at least one member of the parish/town council and that member must be present when a matter relating to a parish/town council is being considered.

Any sub-committee which is established must also include at least one independent member.

## **Key issues**

- Against the background of the changes to the process for dealing with complaints against councillors, it is necessary to consider if the current size of membership of the Standards Committee is sufficient to deal with the demands that may be made of it.
- The current membership is nine, made up of four district councillors, three independent members and two local council members, being one parish councillor and one town councillor. The Committee is not subject to the rules relating to political balance as prescribed by the Local Government and Housing Act 1989.
- The new requirements anticipate a local assessment process to decide whether a complaint should be investigated. If the decision is not to investigate, the complainant may ask that this decision is reviewed. Finally, there is the hearing itself. There are therefore potentially three stages involved in the new process.
- It is desirable that there is separation of members between each of these stages. This would avoid issues of 'keeping an open mind' or conflicts of interest amongst members through the three stage process.
- The Committee has previously experienced problems over quorum due to the unavailability of a required type of member. The requirement for a town/parish member to be present when a town/parish matter is considered can pose particular difficulties.
- Any revised arrangement for the size and composition of the Committee should therefore deal with the issues of separation of roles and quorum difficulties.

- Any changes to the membership of the Committee will require the approval of Council.

## **Options**

There are broadly two ways in which the Committee could be changed to respond to the new responsibilities under the 2007 Act.

### **a) Creation of three sub-committees**

The separation of the three roles identified above could be achieved by the creation of three standing sub committees to deal with assessment, review and hearings.

Increasing the size of the Committee to 12, with four independent members, four District councillors and four town/parish councillors would permit three sub committees of four members each. However, all of the the sub committees would have either one independent member or one town/parish councillor. The risk of meetings being unable to be held through lack of a type of member would remain high.

To achieve a basic coverage of the required elements would require two of each of the three types of member on each sub committee. This would result in a rather large Standards Committee of 18. At the same time, the standing sub committees of six would still suffer from some of the difficulties currently experienced.

### **b) Licensing Committee model**

The Council's Licensing Committee operates two sub committees, for new applications and for the review of existing licences. The Committee has 15 members and the sub committees are of three members, with a substitute arranged to be on standby. The sub committees are called as needed and drawn from the membership of the main committee.

A similar model, but with three sub committees, could be adopted for the Standards Committee. A Committee of 12, made up of four of each type of member would, under this system, provide sufficient flexibility to avoid conflicts of interest. It would also be large enough to avoid quorum difficulties.

A protocol for member support to follow when arranging sub committees would be needed to ensure that the selections for the sub committees were objective and impartial. For example, members could be selected in rotation, alphabetically, subject to availability and any conflicts.

### **Effect on strategies and codes**

There are none beyond those set out in the report.

### **Risk management implications**

It is important that the current size of the Standards Committee is reviewed in order to ensure that it is able to carry out its new functions efficiently after April 2008.

### **Financial implications**

There are financial consequences for the Council in dealing with standards complaints. The Council has no control over the actual conduct of Members or the scope for people to make complaints about the conduct of Members.

The Council has a modest budget in the current year to fund investigations and any other costs arising from dealing with complaints. This is not on-going and it is considered that this funding should be continued in 2008/09.

### **Legal and human rights implications**

There are none beyond those contained in the report.

### **The next steps**

Following the Committee's decisions on the proposed size and composition of the Standards Committee, it will be necessary to:

- Consult with town and parish councils (January 08).
- Recommend the proposed changes to Council (February 08).
- Appoint additional independent members, town and parish councillors and district councillors as necessary (March 08).

## **Recommendations**

It is recommended that the Committee:

- 1) Proposes to Council a revised size and composition for the Standards Committee in the light of the new requirements for dealing with standards complaints.
- 2) Recommends to Council that the changes be made in the first quarter of 2008, so that the new arrangements are in place for April 2008.
- 3) Recommends to council that a budget of £10,000 be established in 2008/09 to support dealing with standards complaints.