

Title: **Size and Membership of the Standards Committee -
Results of Consultation with Town and Parish
Councils**

Reporting Officer: **Tim Darsley**

Purpose

To report back on the results of the consultation with Town and Parish Councils on the size and composition of the Standards Committee.

Background

At its December meeting, Committee considered the requirements of the Local Government and Public Involvement in Health Act 2007 for the local assessment of standards complaints. It concluded that the new responsibilities for assessment, review and hearings would be best provided for by establishing three sub committees to discharge each of these roles. It also considered that the size of the Standards Committee should be increased from 9 to 12 members, made up of 4 District Council Members, 4 Town/Parish Members and 4 Independent Members.

Of the various arrangements for sub committees that were considered, the Committee preferred three standing sub committees of 3 members each, with substitutes drawn from the remainder of the Committee.

Before these arrangements can be confirmed, the Committee is required to consult with the Town and Parish Councils within its area. Accordingly, a consultation exercise was commenced on 21 December, with responses requested by 1 February. A copy of the consultation material is shown in Appendix 1.

Results of Consultation

A summary of the consultation responses is shown in Appendix 2.

Eight local councils responded. Of these, six agreed with the Committee's preferences or had no comment. Trowbridge Town Council agreed with three sub committees and model 3 but suggested a Committee size of 14. Westbury Town Council also agreed with three sub committees but suggested a Committee of 15, with all members allocated to sub committees (model 1).

Key Issues

Six out of eight of the responses agree with, or raise no objection to, the Committee's preference of a Committee of 12, with sub committees as under model 3. This is considered to be a workable model, giving certainty and objectivity whilst offering some flexibility to deal with the unavailability of members.

Westbury's suggestion of a Committee of 15 would be workable providing there were six independent members, six Town/Parish members and three District Council Members. This would provide cover for the critical Town/Parish and Independent member requirements. It would however be unbalanced between the three sources of committee membership.

Trowbridge's suggestion for a Committee of 14, with four independent members, would not provide cover in the form of two independent members on each sub committee. One sub committee would have only one independent member and therefore run the risk of inquorate meetings.

Heywood's comment, that a sub committee size of three risks inquorate meetings, is valid. However, this would be minimised by arranging meeting dates that, by prior agreement, were suitable for the three members concerned. Substitutes would be available to cover for a member who became unavailable between the meeting being called and the meeting itself.

Having considered the consultation responses, it is proposed that the Committee's original preference for 12 members and model 3 represents a workable and satisfactory arrangement for the Council.

Effects on Strategies and Codes

There are none beyond those covered in this report.

Risk Management Implications

If the proposed changes to the Standards Committee are not implemented by April, there is a risk that it will not be able to discharge effectively its new responsibilities.

Financial Implications

There are no significant financial implications in increasing the size of the Standards Committee as proposed.

The budget of £10,000 to fund investigations has been maintained for 2008/09.

Legal & Human Rights Implications

Regulations setting out the detailed requirements for local assessment, and guidance from the SBE, are awaited. However this need not delay the implementation of the new committee arrangements.

The Next Steps

Following the Committee's decision on the proposed size and composition of the Standards Committee, a report will be made to Council on 20 February recommending the changes. If agreed, the additional independent, town and parish and District Council members will be appointed.

Recommendations

It is recommended that:

- 1. Committee confirms its preference for a Standards Committee of 12, made up of four independent members, four town/parish members and four District Council members, with three sub committees operating under model 3.**
- 2. Council is recommended to approve the above changes and authorise amendments to the constitution as necessary to implement them.**
- 3. Following Council approval the additional appointments are made as soon as possible.**

Our Ref: TED/gh7dec

Your Ref:

21 December 2007

To all Clerks to Town & Parish Councils

Dear Colleague

Consultation on Changes to Standards Arrangements in West Wiltshire

Background

The Local Government and Public Involvement in Health Act 2007 introduces a number of changes to the way in which allegations of breaches of the code of conduct are dealt with.

Complaints will be made initially to the District Council's Standards Committee. The Committee may then refer it to the Monitoring Officer for investigation, refer it to the Standards Board for England or decide that no action should be taken. If it decides that no action should be taken, the complainant may ask for this decision to be reviewed.

There are therefore potentially three stages to the new process, namely initial assessment, review and the hearing itself.

The District Council's Standard Committee considered these new requirements on 12 December. Its view was that, to be able to deal with the new requirements, the Committee needed to be increased in size from the current 9 to 12 and that three sub committees should be formed to discharge the functions associated with the three roles.

Any such changes will need to be agreed by the District Council and the Constitution amended accordingly. The Council's decision must be informed by the results of consultation with Town and Parish Councils. I am therefore writing to consult your Council on the proposed changes to the Standards Committee.

Continued /

Options

Any Sub Committee appointed by the Standards Committee must include:

- At least one independent member.
- At least one Town or Parish member, and
- The Town or Parish member must be present when a matter relating to a Town or Parish Council is being considered.

Within these requirements, there are many possible options, with variations in terms of the size of a sub committee, its composition and the way it is selected.

As an aid to consideration, three models have been set out. These are summarised in the following sheets. There are not the only options and others can be considered, as long as they meet the above requirements.

Consultation and Views

I would be grateful if you would seek the views of your Council on this matter and forward them to me. It would be helpful if you would use the attached form for this.

In order to meet the timetable for implementing the new requirements, I would be grateful to receive your comments by:

Friday 1 February 2008

Yours sincerely



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Model 1

Three Standing Sub Committees

	Assessment Sub Committee	Review Sub Committee	Hearings Sub Committee
(a) Committee of 12			
4 Independents	2	1	1
4 Town/Parish Councillors	1	2	1
4 District Councillors	1	1	2
Total	4	4	4
(b) Committee of 15			
6 Independents	2	2	2
6 Town/Parish Councillors	2	2	2
3 District Councillors	1	1	1
Total	5	5	5
(c) Committee of 18			
6 Independents	2	2	2
6 Town/Parish Councillors	2	2	2
6 District Councillors	2	2	2
Total	6	6	6

Commentary:

This model gives examples of committee sizes of 12,15 and 18 but other variations are possible. All members of the Standards Committee are allocated to sub committees.

The advantage of this model is the certainty of arrangements. Members are appointed to all of the sub committees in advance and chairs would be in place before sub committees were called.

The disadvantage is its lack of flexibility. Since all members of the Standards Committee are allocated to sub committees, there is no scope for substitution. With a Committee of 12, all of the sub committees have either one independent member or one town/parish member. There is therefore a high risk of the sub committee not being able to meet if such a member cannot attend for any reason.

Raising the Committee size to 18 addresses this problem but results in a rather large Committee.

Model 2

Three Sub Committees drawn from main Committee when required

- Standards Committee of 12:
4 Independent Members
4 Town/Parish Councillors
4 District Councillors
- 3 Sub Committees, for:
Assessment, review and hearings
- Sub Committees of 3 with one substitute member on standby.
- Sub Committees formed when required. Membership drawn from main Committee or a rota basis to comply with the 'rules' and avoiding conflicts.

	Assessment Sub Committee	Review Sub Committee	Hearings Sub Committee
Sub Committee	3	3	3
Substitute Member on Standby	1	1	1

Commentary:

This model is based on a Standards Committee of 12.

The three sub committees are drawn from the committee membership as and when needed. This would be done according to a pre-defined protocol such as; selecting on a rota basis, recognising availability and avoiding conflicts of roles, until a sub committee, together with a substitute, is formed.

This model is at the opposite end of the spectrum to model 1. Its advantage is that it is very flexible and convenient and would very rarely fail to deliver a quorate sub committee.

Its disadvantage is its lack of certainty. The selection of members could be regarded as somewhat arbitrary and not wholly objective. The establishment of the chairs of the sub committees is problematic.

Model 3

Three Standing Sub Committees with substitutes drawn from remainder of Committee

- Standards Committee of 12:
 - 4 Independent Members
 - 4 Town/Parish Councillors
 - 4 District Councillors
- Three standing Sub Committees for: assessment, review and hearings.
- Sub Committees of 3 made up of 1 Independent, 1 Town/Parish Councillor and 1 District Councillor.
- Substitutes drawn from remainder of Committee in accordance with a scheme of substitution.

	Assessment Sub Committee	Review Sub Committee	Hearings Sub Committee
Sub Committee:			
Independent	1	1	1
Town/Parish	1	1	1
District	1	1	1
Substitutes	Drawn from remainder of Committee		

Commentary:

This model is based on a Standards Committee of 12, with three standing sub committees of three members each.

To cover members being unavailable, substitutes would be drawn from the remaining three members, according to a pre-defined scheme.

This model is a hybrid of models 1 and 2 and offers the advantages of both. The standing sub committees give certainty and objectivity, whilst drawing substitutes from the remaining members gives some flexibility in covering unavailability.

Consultation on Changes to Standards Arrangements in West Wiltshire

Response Form

Name of Council

Clerk to Council

To enable West Wiltshire District Council Standards Committee to respond to the new requirements of the Local Government and Public Involvement in Health Act 2007, it proposes to increase the size of the Standards Committee and establish up to three sub committees to discharge some of its functions.

Does your Council agree that the size of the Standards Committee should be increased from 9 to 12?

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If not, what does your Council propose?

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Does your Council agree that the composition of the Standards Committee should be;

4 Independent Members, 4 Town/Parish Members and 4 District Councillors?

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If not, what does your Council propose?

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Does your Council agree that there should be three sub committees to deal with the roles of assessment, review and hearings?

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If not, what does your Council propose?

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Does your Council agree that Model 3, of three Standing Sub Committees with substitutes drawn from the remainder of the Committee, is the preferred arrangement of sub committees?

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If not, what does your Council propose?

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Does your Council have any further views, comments or proposals concerning the arrangements for Standards Committee and Sub Committees in West Wiltshire?

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Changes to Standards Arrangements in West Wiltshire

Town/Parish Council	Summary of Response
Bratton Parish Council	No comment on any of the three options. Would prefer to see a totally independent body dealing with standards issues.
Heywood Parish Council	Agrees committee size of 12 Agrees 4 / 4 / 4 composition Agrees three sub committees Agrees model 3 Notwithstanding the above, points out the risks of inquorate meetings with sub committees of just three.
Hilperton Parish Council	Agrees Committee size of 12 Agrees 4 / 4 / 4 composition Agrees three sub committees Agrees model 3
Melksham Town Council	No strong views
Steeple Ashton Parish Council	Agrees committee size of 12 Agrees 4 / 4 / 4 composition Agrees three sub committees Agrees model 3
Trowbridge Town Council	Proposes Committee size of 14 5 town/parish, 5 District, 4 independent Agrees three sub committees Agrees model 3
Westbury Town Council	Proposes Committee size of 15. (12 too small - 18 too unwieldy) Composition not specified Agrees three sub committees. Prefers Model 1 - committee of 15.
Warminster Town Council	Agrees Committee size of 12. Agrees 4 / 4 / 4 composition Agrees three sub committees Agrees Model 3

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