

**Title:** **Orders and Regulations relating to the Conduct of  
Local Authority Members in England - Consultation**

**Reporting Officer:** **Tim Darsley**

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### **Purpose**

To enable the Standards Committee to consider the above consultation and to make a response to the Department of Communities and Local Government by 15 February 2008.

### **Background**

Members are aware of the new responsibilities for the local assessment of standards complaints. The legislation for this is in place and the Committee is taking steps to prepare itself for the new roles.

However, orders and regulations concerning the detailed arrangements for the new regime have not yet been prepared. The Department for Communities and Local Government is consulting on these and is inviting comments by 15 February 2008.

### **Key Issues**

The Consultation document has been previously circulated to all members of the Standards Committee.

The document covers various aspects of the operation of Standards Committees, the Adjudication Panel, the Standards Board and other matters such as dispensations. Responses are invited in relation to 16 questions. These are reproduced at Appendix 1 and a suggested response has also been included.

### **Effects on Strategies and Codes**

None.

### **Risk Management Implications**

None.

### **Financial Implications**

None.

## **Legal & Human Rights Implications**

None beyond those covered in this report.

## **The Next Steps**

The Committee's response will be submitted to the DCLG before 15 February.

## **Recommendations**

**It is recommended that the Committee determines its response to the consultation and this is submitted to the DCLG before 15 February 2008.**

## Orders and Regulations Relating to the Conduct of Local Authority Members in England

### Consultation Response from West Wiltshire District Council

	Consultation Question	Proposed Response
Q1	Does our proposal to prohibit a member who has been involved in a decision on the assessment of an allegation from reviewing any subsequent request to review that decision to take no action (but for such a member not to be prohibited necessarily from taking part in any subsequent determination hearing), provide an appropriate balance between the <b>need to avoid conflicts of interest</b> and ensure a proportionate approach? Would a requirement to perform the functions of initial assessment, review of a decision to take no action, and subsequent hearing, by <b>sub-committees</b> be workable?	Yes  Yes
Q2	Where an allegation is made to <b>more than one standards committee</b> , is it appropriate for decisions on which standards committee should deal with it to be a matter for agreement between standards committees? Do you agree that it is neither necessary nor desirable to provide for any adjudication role for the Standards Board?	Yes  No. The Standards Board should adjudicate if agreement cannot be reached
Q3	Are you content with our proposal that the <b>timescale for making initial decisions</b> should be a matter for guidance by the Standards Board, rather than for the imposition of a statutory time limit?	Yes
Q4	Do you agree that the sort of circumstances we have identified would justify a standards committee being <b>relieved of the obligation to provide a summary</b> of the allegation at the time the initial assessment is made? Are there any other circumstances which you think would also justify the withholding of information? Do you agree that in a case where the summary has been withheld the obligation to provide it should arise at the point where the monitoring officer or ethical standards officer is of the view that a sufficient investigation has been undertaken?	Yes  Possibly - to be covered by guidance.  Yes

Q5	Do you agree that circumstances should be prescribed, as we have proposed, in which the monitoring officer will <b>refer a case back to the standards committee</b> ?	Yes
Q6	Are you in favour of an increase in the <b>maximum sanction</b> the standards committee can impose? If so, are you content that the maximum sanction should increase from three months to six months suspension or partial suspension from office?	Yes  No. Up to one year
Q7	Do you have any views on the practicability of requiring that the <b>chairs of all sub-committees</b> discharging the assessment, review and hearing functions <b>should be independent</b> , which is likely to mean that there would need to be at least three independent chairs for each standards committee? Would it be consistent with robust decision-making if <b>one or more of the sub-committee chairs were not independent</b> ?	Is practicable but is likely to require more members to achieve separation  No. (ie support independent chairs for sub committees).
Q8	Do you agree with our proposal that the initial assessment of misconduct allegations and any review of a standards committee's decision to take no action should be <b>exempt from the rules on access to information</b> ?	Yes
Q9	Have we identified appropriate criteria for the Standards Board to consider when making decisions to <b>suspend a standards committee's powers</b> to make initial assessments? Are there any other relevant criteria which the Board ought to take into account?	Appear to be broadly appropriate
Q10	Would the imposition of a <b>charging regime</b> , to allow the Standards Board and local authorities to recover the costs incurred by them, be effective in principle in supporting the operation of the new locally-based ethical regime? If so, should the level of fees be left for the Board or authorities to set; or should it be prescribed by the Secretary of State or set at a level that does no more than recover costs?	Not helpful. Charges likely to be disputed. Bureaucratic and divisive.
Q11	Would you be interested in pursuing <b>joint arrangements</b> with other authorities? Do you have <b>experience</b> of joint working with other authorities and suggestions as to how it can be made to work effectively in practice? Do you think there is a need to <b>limit the geographical area</b> to be covered by a particular joint agreement and, if so, how should such a limitation be expressed? Do you agree that if a matter relating to a parish council is discussed by a joint committee, the requirement for a parish representative	Possibly, though we are planning for a unitary Wiltshire in any event. No. No.  Yes

