

STANDARDS COMMITTEE

Monday, 20th August 2001

Standards Committee Regulations

Introduction

1. Just when we thought that the new Ethical Framework had gone quiet over the summer, we received the long awaited Standards Committee Regulations. The original proposals were published in December 2000 with a closing date for comments of 9 March 2001. When Parliament broke up we thought that nothing would happen until October; we were wrong.

2. There is a duty under Section 53 of the Local Government Act 2000 to set up a Standards Committee and the Regulations are the outstanding piece of the jigsaw.

3. There are some significant differences between the draft and the final regulations; the Government decided against having a 75% majority of Council Members required to vote in favour of individual Standards Committee Members and have now gone for a simple majority in the number of members; the quorum provisions are also now more straightforward; and the transitional provisions are more sensible. Further details are set out below.

The Regulations

4. The Relevant Authorities (Standards Committee) Regulations 2001, S.I. No 2812 were made on 1 August 2001 and come into effect on 28 August 2001.

Size and Composition of Standards Committees

5. The Regulations require a Standards Committee which has more than three members to have at least 25% independent members. Not more than one Executive Member may be on the Standards Committee (and under Section 53(5) that person may not be the Executive Leader or Elected Mayor - nor may the member of the Executive Chair meetings of the Standards Committee).

Appointment of Independent Members

6. The process for appointing independent members requires:

- i) the appointment to be advertised in one or more newspapers circulating in the area
- ii) an application to be submitted to the authority - though there is no prescription about what form the application should take; and
- iii) the appointment to be approved by a majority of the members of the authority. People who are relatives or close friends of any Member or Officer of the

authority are ineligible, along with anyone who has been a member or officer of the Authority within the previous five years.

7. The transitional provisions allows authorities which have established a Standards Committee before 28 August 2001 to have a period of two years grace before having to re-appoint independent members in the manner specified above. New members will need to be appointed in line with the Regulations.

Quorum

8. The quorum for meetings of the Standards Committee (or Sub-Committee) is three people, at least one of whom must be an independent member, unless the independent member would have some form of conflict of interest and would be prevented from participating in the business of the meeting by virtue of the Council's Code of Conduct. The quorum must be maintained for the duration of the meeting.

Access to Information Requirements

9. Meetings of Standards Committees (and Sub-Committees) are required to act in accordance with some, not all, of the Access to Information provisions contained in the Local Government Act 1972, although there are significant exceptions. The exceptions include the following:

- i) Section 100E - which means that meetings of Standards Committees and Sub-Committees do not have to be open to the public nor do agenda or reports have to be open for public inspection, or be available for at least three clear days before the meeting. Similarly minutes and other documents, including background papers, do not need to be available after the meeting;
- ii) Section 100G - which means that the names and addresses of independent members of the Standards Committee do not need to be made public on a register;

10. Authorities can still choose to apply the full Access to Information provisions to meetings of Standards Committees, irrespective of the ability under the Regulations to deal with matters in private.

11. Reports about Standards matters from a Standards Committee to Full Council will still be subject to the full rigour of Part VA Local Government Act 1972. Members of the public will only be excluded where the reports or the discussion are likely to involve the disclosure of confidential or exempt information as defined in the Act.

12. There is discretion under the Act for Standards Committees to exercise other functions. For example will the Standards Committee have a strategic overview of the Employee Code to ensure some parity between members and officers?

13. The Monitoring Officer must send copy of the Standards Committee Terms of Reference to the Standards Board for England, 5th Floor, St Christopher House, 98-104 Southwark Street, London SE1 0TE, once it is established.

Stephen Gerrard

Monitoring Officer

Unpublished documents relied upon in the production of this report:

None

Environmental impact of the recommendations contained in this report:

None