

DRAFT

William Tandoh
Department for Communities and Local
Government
Local Democracy and Empowerment
Directorate
Local Governance Division
5/G10 Eland House
Bressenden Place
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14 February 2008

GLR/JL

Mrs G L Rowe

585004

Dear Mr Tandoh

RESPONSE TO CODE OF CONDUCT CONSULTATION

I would like to make the following comments on behalf of the Standards Committee at West Lancashire District Council to your consultation on Orders and Regulations relating to the conduct of Councillors.

- An implementation date of 1 April 2008 does not give sufficient time, given the need for final Regulations and Guidance to be received, particularly as Easter is in March this year.
- It is regrettable that the initial assessment of a misconduct allegation has not been delegated to the Monitoring Officer in consultation with the Chairman of the Standards Committee thus streamlining processes. If it is to be done through a sub-committee then the quorum should be two not three Members. Only two sub-committees should be required as the hearing could be done by those Members involved in the initial assessment.
- The proposals for making the initial assessment decisions should be a matter for guidance but the 20 working days proposed is too tight.
- Resourcing issues are significant and the requirement to incur advertisement costs etc should be minimised.
- Guidance should be clear on providing a written summary on the allegation at the time the initial assessment is made rather than before.

- Specific guidance from the Standards Board in relation to amicable local resolution such as that based on an apology and the complainant no longer wishing to proceed would be welcome.
- Cognisance of the fact that no additional costs are being given by Central Government to Councils for these functions should be taken.
- It is important that there is an option for Standards Committees to work jointly on some as well as all Standards Committee functions.
- The Dispensation Regulations are poorly drafted and need revising so that they can be operated in practice to cover the matters intended. In addition, Standards Committees should have the power to grant dispensations for the avoidance of doubt or in cases such as for lines in the budget, as the Secretary of State used to do.

Finally, the Standards Committee would like to draw your attention to their concerns about the costs to the District Council of conducting this local regime, particularly in relation to Parish Councils. An ability for the District Council to charge Parish Councils for the costs of investigations in relation to the conduct of their Parish Councillors might be helpful in focusing on these issues. In order for the system to be effective a similar approach to that adopted by the Standards Board in relation to referrals will have to be taken and it is hoped that Guidance from the Standards Board on Referral criteria will be suitably robust. This will also be essential to ensure some consistency and fairness of approach across Authorities.

I thank you for your kind attention.

Yours sincerely

Gillian L. Rowe LL.B.
Council Secretary and Solicitor

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