



## **AGENDA ITEM: 6**

**COUNCIL: 21 MAY 2008**

**STANDARDS COMMITTEE:  
12 JUNE 2008**

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**Report of: Council Secretary and Solicitor**

**Contact for further information: Mrs G L Rowe (Ext 5004) and Mrs J Denning  
(Ext 5384)**

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**SUBJECT: STANDARDS COMMITTEE AND STANDARDS SUB COMMITTEES**

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District wide interest

### **1.0 PURPOSE OF THE REPORT**

- 1.1 To revise the Terms of Reference and authority of the Standards Committee and its existing Sub-Committee in light of the Local Government and Public Involvement in Health Act 2007 and to create new Sub-Committees with appropriate Terms of Reference.

### **2.0 RECOMMENDATIONS**

- 2.1 That the revised Terms of Reference and authority for the Standards Committee and the Local Determination/Investigation Hearings Sub-Committee set out in Appendix 2 be agreed.
- 2.2 That an Assessment Sub-Committee and a Review Sub-Committee be established by the Standards Committee comprising 3 Members selected by the Council Secretary and Solicitor in consultation with the Chairman of the Standards Committee, each with Independent Chairmen and with the Terms of Reference and authority set out in Appendix 2. Each Sub-Committee to have one elected Member and at least one Parish Representative when a Parish Council matter is being considered.
- 2.3 That a Recruitment of Independent Members Panel be established by the Standards Committee comprising 3 Members selected by the Council Secretary and Solicitor in consultation with the Chairman of the Standards Committee with the Terms of Reference and authority set out in Appendix 2.
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### **3.0 BACKGROUND**

3.1 Under the Local Government and Public Involvement in Health Act 2007 the Standards Board becomes a strategic regulator and all complaints of misconduct by Councillors are to be handled locally. There are also various miscellaneous changes which need to be picked up.

### **4.0 CURRENT POSITION**

4.1 The existing Terms of Reference of the Standards Committee and its Sub-Committee are attached at Appendix 1.

4.2 Under the Local Government Act 2000, Standards Committees had the following 'statutory functions':

- To promote and maintain high standards of conduct for members; and
- To help members to follow the code of conduct.
- To give the council advice on adopting a local code of conduct;
- To monitor the effective the effectiveness of the code;
- To train members on the code, or arrange for such training;

Since the 2000 Act new legislation and Regulations have meant an increase in these functions to include:

- To conduct local determination hearings
- To grant dispensations to members with prejudicial interests

and more recently by the Local Government and Public Involvement in Health Act 2007 and the 2008 Regulations and Guidance:

- To grant exemptions for politically restricted posts
- To assess and review complaints about members

4.3 The relevant provisions have been brought into effect from 8 May 2008 and changes therefore now need to be made.

### **5.0 PROPOSALS**

5.1 Attached at Appendix 2 are revised Terms of Reference for the Standards Committee and its Sub-Committee, to reflect the legislative change.

5.2 It will be necessary to create an Assessment Sub-Committee and a Review Sub-Committee to handle the Council's new responsibilities and it is suggested these should both comprise 3 Members selected by the Council Secretary and Solicitor in consultation with the Chairman of the Standards Committee each having an Independent Chairman. Each Sub-Committee must have one elected Member and at least one Parish Representative when a Parish Council matter is being considered.

- 5.3 It would also be helpful to establish a Recruitment of Independent Members Panel to assist in the appointment of Independent Members.
- 5.4 The Terms of Reference for the new sub-committees are also set out in Appendix 2.

## **6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 6.1 There are no sustainability or community strategy implications arising from this Report.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 Financial and resource implications will be significant based on the number of complaints received by the Standards Board in previous years. Costs will be met from existing budget and reserves as appropriate until such time as workload can be fully understood.

## **8.0 RISK ASSESSMENT**

- 8.1 The Council must put in place the necessary arrangements to handle the legislative change and comply with its statutory obligations.

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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

### **Appendices**

Appendix 1 – Current Terms of Reference

Appendix 2 – Revised Terms of Reference