



Ryedale District Council

REPORT TO: Standards Committee

DATE: 19 June 2008

REPORTING OFFICER: Council Solicitor & Monitoring Officer
Anthony Winship

SUBJECT: **The Role and Make-up of Standards Committees**

1.0 PURPOSE OF REPORT

- 1.1 To propose effective procedures to implement Local Assessment having due regard to the published guidance of the Standards Board for England entitled "The Role and Make-up of Standards Committees".

2.0 RECOMMENDATIONS

- 2.1 That the published guidance of the Standards Board for England on the role and make-up of Standards Committees be taken into account by the Committee and that consideration be given to those specific elements of the guidance identified at paragraphs 5.3, 6.1, 7.1 and 9.1.
- 2.2 It be resolved as set out in this report.

3.0 REASONS SUPPORTING DECISION

To adopt effective procedures to fulfill the Standards Committees legislative obligations relating to Local Assessment having due regard to guidance published by the Standards Board for England.

4.0 INTRODUCTION

- 4.1 The Standards Board for England has published guidance on the Standards Committee (England) Regulations 2008. A copy of this guidance is attached as Annex 1 entitled "The Role and Make-up of Standards Committees". It gives the Board's view on the role and make-up of Standards Committees. The regulations are mandatory. The guidance must be taken into account by the authority. A copy of the guidance has been separately circulated to all Members of the Committee. This report identifies a number of specific elements of the

guidance to which the Committee needs to give consideration. Other than these elements, the Committee's procedures and practices accord with the guidance.

5.0 STANDARDS COMMITTEE FUNCTIONS

- 5.1 The main functions of the Committee, as enshrined in the Council Constitution, are promoting and maintaining high standards of conduct for Members, and helping Members to follow the Code of Conduct. Specific functions, also enshrined in the Council Constitution, comprise advising the Council on adoption of a local Code, monitoring the effectiveness of the Code, training (or arranging training for) Members on the Code, granting dispensations to Members with prejudicial interests, and granting exemptions for politically restricted posts. The foregoing are all statutory functions which have to be included in the Committee's terms of reference.
- 5.2 Legislation allows extra functions to be delegated by the Council to the Committee in order to give the Committee a wider governance role.
- 5.3 The guidance states that the new statutory functions of assessing and reviewing complaints about Members, and conducting determination hearings should now be included in the Committee's terms of reference. Members will recall that the Standards Committee meeting on 3 April 2008 made recommendations to Council to extend the terms of reference of the Standards Committee to include local assessment. In terms of non-statutory functions, the guidance also suggests that the function of advising the Council on the appointment of Independent Members should be separately set down in the Committee's terms of reference. The latter function is one which the Committee has effectively already undertaken, and it seems appropriate that the function should be explicitly stated in its terms of reference.

Recommendation to Council: That the following matters be added to the Committee's Role and Function:

- (a) advising the Council on the appointment of Independent Members.

6.0 STANDARDS COMMITTEE SIZE AND COMPOSITION

- 6.1 It is now a legal requirement for the Chairman of the Standards Committee always to be an Independent Member (ie, a person appointed to the Committee who is not a Member or Officer of that or any other relevant authority). The guidance states that the Committee may therefore also want to appoint an Independent Member to act as Vice-Chairman of the Committee in case the Chairman is unable to attend.

Recommendation to Council: That Article 8.02 of the Constitution be amended to require that both the Chairman and Vice-Chairman of the Standards Committee should be Independent Members.

7.0 INDEPENDENT MEMBERS

7.1 It is for the authority to decide how to select Independent Members and how long an Independent Member should sit on the Committee. The guidance states that the period of service of an Independent Member should be a fixed one of four years. This will be long enough for them to gain an understanding of the Committee, the authority and its workings, but not so long that they could be perceived as losing their independence. When re-appointing an Independent Member, the guidance recommends that Independent Members should serve no longer than two terms, ie, a maximum of eight years, and that it might be helpful for Independent Members to be appointed for differing lengths of time so that the experience they gain is not all lost simultaneously.

Fixed terms were in fact set for the three Independent Members on the Committee.

8.0 STANDARDS COMMITTEE OPERATION

8.1. The Standards Committee must now appoint a Sub-Committee to:

- assess complaints
- review decisions to take no action over a complaint

8.2 The Standards Committee may appoint a Sub-Committee to:

- consider a Monitoring Officer's final investigation report
- consider determination hearings

8.3 The guidance states that nothing in the regulations requires a Sub-Committee to have fixed membership or chairmanship. This therefore allows a Committee to have a panel of its members that could be drawn on to sit on any particular Sub-Committee at any time. The Committee needs to have regard to this in its consideration of the separate report to the meeting on the local assessment function.

9.0 FINANCIAL IMPLICATIONS

Overall, this change will mean a much greater role for the Standards Committee, with more Sub-Committees, and more meetings. It will require the Monitoring Officer and his staff to undertake a significant amount of additional work in receiving any allegations of misconduct and reporting them to the relevant Sub-Committees. The experience from the role-plays undertaken by the Standards Board for England is

that local Standards Committees are likely to refer about twice as many matters for investigation than have hitherto been referred by the SBE.

The cost of the new arrangements will be met from existing resources but there may be external costs, which cannot be predicted, in investigating any serious complaints which are made in due course.

10.0 LEGAL IMPLICATIONS

Each authority must develop effective procedures to fulfil its legislative requirements. Members and officers involved in the assessment of complaints must take the guidance published by the Standards Board for England into account when doing so.

11.0 RISK ASSESSMENT

- 11.1 The Board's guidance has been given in the exercise of its statutory power to do so. The guidance must be taken into account by the authority. This does not mean that the guidance has to be slavishly adhered to, but it does mean that the authority should specifically address its mind to it and weigh this against any competing considerations.

Background Papers:

"The Role and Make-up of Standards Committees" published by the Standards Board for England on 9 May 2008

OFFICER CONTACT:

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