

Meeting:	Standards Committee
Date:	26 March 2007
Subject:	Briefing on The Local Government and Public Involvement in Health Bill
Responsible Officer:	Hugh Peart Director of Legal & Governance Services
Portfolio Holder:	Councillor Chris Mote – Strategic Overview, External Affairs & Property
Exempt:	No
Enclosures:	None

SECTION 1 – SUMMARY AND RECOMMENDATIONS

This report is intended to update the committee on the progress of the new Local Government and Public Involvement in Health Bill particularly in relation to the development of standards and governance.

RECOMMENDATIONS:

- (a) That the committee note the implications of the Local Government and Public Involvement in Health Bill; and
- (b) That the committee consider whether it is necessary to take any steps in anticipation of the introduction of the new standards provisions in the Bill.

SECTION 2 - REPORT

The Government published the Local Government and Public Involvement in Health Bill in December 2006. The Bill follows on from the White Paper on Strong and Prosperous Communities, which was published in October 2006.

The Government's intention is to reform the regime for the conduct of local authority members, with most aspects being devolved to Councils and a streamlined more strategic Standards Board. This will mean in practice that the role of the Standards Board will be reduced, and the role of the Monitoring Officer and local standards committee increased. The Board will continue to issue policy guidance but will only investigate the most serious allegations of misconduct.

Summary of Provisions of the Bill concerning Ethical Standards – Part 9

1. The role of the Standards Board for England is redefined so that it will play a more strategic role, supervising the system for dealing with allegations about members' conduct, providing advice, but only dealing with the most serious individual cases. Allegations of misconduct will in future be made directly to Standards Committee and not to the Standards Board.

The Committee will make an initial assessment of misconduct allegations and determine whether they should be investigated. If they are to be investigated it will determine whether the Monitoring Officer or the Standards Board should undertake it.

On receipt of a referral the Standards Board may refer it to an ESO, who can decide to investigate, refer it back to the Committee to deal with, or take no action.

2. The Standards Board will monitor the operation of the initial assessment process. In circumstances which are to be prescribed by the Secretary of State, the Standards Board would be able to take away all or part of the first sieve function, by requiring that any allegations be referred to the Standards Board itself, or to the Standards Committee of another authority, for the first assessment decision, and/or that any request for review of the decision to be referred to the Standards Board, or to the Standards Committee of another authority.
3. The Standards Board will be able to require authorities to provide periodic information about the allegations received and how it has dealt with them.
4. The Code of Conduct will cover unlawful action undertaken at any time - amending the 'Livingstone Judgment'.
5. An independent co-opted member must chair any meeting of a Standards Committee.

6. The Secretary of State will have enabling power to make regulations which would allow authorities to establish Joint Standards Committees and Joint Sub-Committees.
7. Current provisions which apply where an allegation is referred to the Monitoring Officer by an ESO for local investigation, now apply where an allegation is referred by the local Standards Committee to the Monitoring Officer.
8. The Standards Committee will be able to refer a report to the Adjudication Panel for England if it considers that the sanctions available to it are insufficient, and the sanctions available to the Adjudication Panel are to be widened.

Observations

The provision of the Bill will increase the profile, role and workload of the Standards Committee, and will necessitate an additional sub-committee to deal with initial assessments of allegations.

The Bill also further increases the role of the Monitoring Officer, and more particularly his staff. The Monitoring Officer will have to undertake, or arrange for another officer to undertake initial evaluations, investigate allegations, and to submit report and recommendations to assessment and hearing sub-committees.

It is likely that additional resources will be required to support the operation of the new local investigation requirements. A more detailed assessment of this will be carried out when it becomes clear what will appear in the Act.

The Department for Communities and Local Government have indicated that the Bill will receive Royal Assent in the autumn of 2007 with the relevant provisions likely to be effective from April 2008.

SECTION 3 - STATUTORY OFFICER CLEARANCE

Chief Finance Officer	<input checked="" type="checkbox"/>	Name: Sonal Shah
		Date: 15 March 2007
Monitoring Officer	<input checked="" type="checkbox"/>	Name:
		Date:

SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS

Contact: Elaine McEachron, Governance Lawyer, Legal & Governance Services
Telephone: 020 8420 9414 (ext 5454)

Background Papers:

Local Government and Public Involvement in Health Bill

http://www.publications.parliament.uk/pa/pabills/200607/local_government_and_public_involvement_in_health.htm