

Meeting:	STANDARDS COMMITTEE
Date:	17 December 2007
Subject:	Local Government and Public Involvement in Health Act 2007 – Ethical Standards
Responsible Officer:	Hugh Peart
Portfolio Holder:	Councillor Chris Mote
Exempt:	No
Enclosures:	None

### **Section 1 – Summary and Recommendations**

This report sets out the measures, which this Committee will need to consider resulting from the Local Government and Public Involvement in Health Act 2007.

The Committee is Recommendation to:

- (1) Agree to establish 3 sub-committees to deal with:
  - the filtering of written allegations that a member or co-opted member may have failed to comply with the code of conduct;
  - requests for review of a decision not to refer a complaint for investigation; and
  - the determination of complaints that have been investigated.
- (2) Agree that each sub-committee will be made up of at least 3 members, 1 independent member who should act as the chairman, and one Conservative and one Labour member.
- (3) Agree that any member not allocated to any of the 3 sub-committees should form a pool of reserve members for the 3 sub-committees.

## 1. **Background**

- 1.1 In March 2007 this Committee considered a report in relation to the Bill, which was issued in December 2006. The Bill received Royal Assent on 30 October and is now an Act of Parliament.
- 1.2 Part 10 of the Act introduces a new ethical standards regime relating to allegations of misconduct resulting in a breach of the Authority's Code of Conduct. Although the implementation date for these new provisions is not yet known, it is anticipated that these will come into force on 1<sup>st</sup> April 2008.

## 2. **Redefining the role of the Standards Committee and the Standards Board for England**

- 2.1 The Act substantially amends the way the Standards Board for England currently operates. Subject to enabling regulations, the Standards Board will take on a more strategic role, and will only deal with the most serious individual complaints of misconduct.
- 2.2 As a result, Harrow's Standard Committee will be required to deal with all written allegations. In future,
  - Written allegations that a member or co-opted member may have failed to comply with the Code of Conduct must be made to the Standards Committee.
  - On receiving the allegation the Standards Committee must:
    - a. Refer it to the Monitoring Officer for investigation;
    - b. Refer it to the Standards Board for investigation; or
    - c. Decide that no action should be taken.

This stage is referred to as the "local filter" stage.

- 2.3 If the Committee decides that no action should be taken it must write to the complainant with its decision and reasons. The complainant has the right to request the Committee to review that decision.

This is the "review" stage of the procedure. At the review stage the matter may be either referred for investigation or no action taken.

- 2.4 Where the Committee at the local filter stage decides that the matter should be referred for investigation, and the investigation concludes there is a case to answer, the Standards Committee may need to hear and determine the matter at a formal hearing.

The Standards Committee has already established a Hearing Panel to deal with hearings and determinations of matters referred to for investigation. However, consideration will need to be given to the remit

and terms of reference of this Panel in light of the new procedures, and whether the procedure will require amending.

2.5 In addition to the above, the Act requires that

- The Standards Committee must be chaired by an independent person
- The Authority should submit periodic returns to the Standards Board

Members will be aware that the Council has previously approved the appointment of an independent person to chair the Standards Committee.

### **3. Establishing Sub-Committees**

3.1 This report recommends the establishing of 3 sub-committees to deal with the difference stages of the new procedure.

3.2 The sub-committees should comprise no more than three members, with the independent member chairing each of the sub-committees. Currently there are 4 independent members appointed to the Committee.

3.3 The establishing of these committees will obviously place more demands on members and how often the “local filter” sub-committee will meet will be dependent on the number of complaints received. Suggestions on how this will be managed will be brought to a future meeting.

3.4 It is however suggested that each sub-committee will comprise 3 members, one independent and one from each of the political group. The members appointed to consider cases at the local filter stage should not be appointed to the sub-committee that considers the matter at the review stage.

3.5 All other members not appointed to a sub-committee will act as a pool of reserves for all 3 sub-committees.

### **4. Regulations**

4.1 Enabling regulations will set how the new system should operate. In addition the Standards Board will be producing guidance, standard procedures and templates to assist authorities to implement and operate this new system. It is anticipated that the regulations and the guidance will be available early next year. These will be reported to Committee next year.

4.2 Although the approval of procedures and documentation is a matter for the Standards Committee, these will require formal adoption at a meeting of the full Council.

4.3 The next meeting of the Standards Committee is on 17 March, but it may be necessary, subject to regulations and guidance to call a special meeting of the Committee to consider procedures and documentation for the handling of the new system.

4.4 The following will need to be in place for the effective operation of the new system:

- A form for complaining – whether on line or by hard copy
- A system for logging complaints (this will be necessary to ensure that the Council complies with the monitoring process and provide annual returns to the Standards Board)
- A decision as to whether the Monitoring Officer should carry out an initial sieve to ensure that the complaint falls within the remit of the Code of Conduct for Members and therefore the Standards Committee
- If an initial sieve is carried out, a decision as to whether should these be reported to the Standards Committee
- Timescales for dealing with local filter, review and the determination hearings
- Consideration of the frequency of meetings of the various sub-committees;
- Subject to regulations and guidance, a review of the existing procedure for dealing with local determination of allegations that a member has breached the Code of Conduct.

## 5. **Training**

5.1 With the implementation of the new system, it is proposed to provide training to all members of the Standards Committee on how to operate it. This training should take place by the end of March 2008, in order to ensure that the Committee and the Council is ready to operate the new system.

## 6. **Legal Implications**

6.1 The 2007 Act places new obligations on the Standards Committee to deal with written allegations that a member or co-opted member may have failed, to comply with the code of conduct. These powers are in addition to the powers under Part III of the Local Government Act 2000.

## 7. **Financial Implications**

7.1 The cost of implementing and operating the new system is difficult to quantify at this stage. However any such costs will be met from the Member Training Budget. Should these costs exceed available budgets, this will be reported as part of the monthly budget monitoring process and to a future meeting.

## 8. Performance Issues

8.1 None associated with this report.

### Section 3 - Statutory Officer Clearance

Name: Barry Evans	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 6 <sup>th</sup> December 2007		
Name: Hugh Peart	<input checked="" type="checkbox"/>	Monitoring Officer
Date: 6 <sup>th</sup> December 2007		

### Section 4 - Contact Details and Background Papers

Contact: Elaine McEachron, Assistant Lawyer, Corporate Governance

Background Papers: Local Government and Public Involvement in Health Act 2007