

Standards Committee Regulations

Officer Contact

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Papers with report

None

Summary of Report

The report summarises the recent changes to the Standards Committee Regulations.

RECOMMENDATION: That, the Committee note the contents of the report.

BACKGROUND

1. The Government has recently made regulations to implement some of the outstanding provisions relating to standards introduced by the Local Government and Public Involvement in Health (LGPIH) Act 2007. The Standards Committee (Further Provisions) England Regulations 2009 (Statutory Instrument 2009/1255) cover the power of the Standards Board for England (which has changed its name to Standards for England) to suspend arrangements for the local initial assessment of complaints, the power for local authorities to establish joint standards committees and the power for standards committees to grant dispensations to local authority Members to allow them to participate in meetings even when they have prejudicial interests.
2. These regulations came into force on 15 June 2009. The provisions on dispensations apply to relevant authorities in England (including London boroughs) and police authorities in Wales. The provisions on suspension of initial assessment functions and joint standards committees apply only to relevant authorities in England.
3. **Initial Assessment of Complaints** - the LGPIH Act 2007 amended Part III of the Local Government Act 2000, which regulates the conduct of local authority Members. The 2007 Act introduced a system in which assessment of allegations of breaches of the Code of Conduct of local authorities would be undertaken by the local authorities' own standards committees. However, provision was made, at section 57D of the Local Government Act 2000, for the Standards Board for England in prescribed circumstances to suspend the initial assessment functions of local standards committees and direct them to refer allegations to the Standards Board for England or to the standards committee of another local authority. These regulations specify the circumstances in which the Standards Board for England may give such a direction. These are:
 - The standards committee has failed to have regard to guidance issued by the Standards Board.
 - The standards committee has failed to comply with a direction issued by the Standards Board.
 - The standards committee or the local authority's monitoring officer has failed to carry out functions in a reasonable time or a reasonable manner.
 - The local authority or its standards committee has invited the Standards Board to give a direction.

4. Before giving a direction suspending functions of a standards committee, the Standards Board must notify the authority in writing. This notice must set out the Standards Board's intention to give a direction and the reasons for this and set a date, no later than six months from the date on which the notice is served, before which a direction may be given. The Standards Board must send a copy of the notice to the chair of the standards committee and the Monitoring Officer. The notice must give the authority at least 28 days to submit observations to the Standards Board and the Standards Board must take account of any observations it receives before deciding whether to give a direction.
5. If the Standards Board decides to go ahead with giving a direction, it must serve this in writing on the authority specified in the direction. It must send a copy to the chair of the standards committee and the Monitoring Officer of the specified authority and also to the chair of the standards committee of any other authority referred to in the direction. A direction issued by the Standards Board must include the following:
 - Details of the date from which it is to take effect
 - Reasons why it has been given
 - Details of the identity of any body which will deal with the initial assessment of any written allegations received by the standards committee
 - A requirement for the specified authority to arrange for details of the direction to be published in at least one local newspaper, on the authority's web page if the Standards Board considers this appropriate, and in any other publication considered appropriate by the Standards Board.
6. If the Standards Board gives such a direction, the regulations provide for the Standards Board to revoke it if it is satisfied that the circumstances which led to the direction no longer apply. It must do this by serving written notice on the specified authority. As with the direction, a copy of the revocation notice must be sent to the chair of the standards committee and the monitoring officer of the specified authority and also to the chair of the standards committee of any other authority referred to in the direction. It must also require the authority to arrange for details of the direction to be published in at least one local newspaper, on the authority's web page if the Standards Board considers this appropriate, and in any other publication considered appropriate by the Standards Board.
7. Whilst a direction from the Standards Board remains in force, the Standards Board may serve a notice on the relevant authority, specifying a different body to deal with the initial assessment of written allegations received by the standards committee. A copy must be sent to the chair of the standards committee and the Monitoring Officer of the specified authority and also to the chair of the standards committee of any other authority referred to in the direction.
8. **Joint Standards Committees** - The regulations allow two or more local authorities to set up a joint standards committee to discharge all or some of their standards functions in Part III of the Local Government Act 2000 or functions relating to local authority members, officers, staff and committees in Part I of the Local Government and Housing Act 1989.
9. Once a local authority has arranged for a joint standards committee to have responsibility for a particular function, the individual local authority would no longer be able to exercise that function itself. If a joint standards committee is responsible for all the functions of a standards committee under Part III of the Local Government Act

2000 and Part I of the Local Government and Housing Act 1989, then the joint standards committee is to be treated as the standards committee of each of the local authorities that set it up.

10. The membership of a joint standards committee must include at least one Member from each local authority that establishes it but it must not include any more than one Member of the executive of any of those local authorities in total. Joint standards committees are also able to appoint independent members separately or independently in accordance with the requirements of the Standards Committee (England) Regulations 2008. There are also requirements for a member of each authority which establishes a joint standards committee to be present at meetings where particular functions are discharged in order for the meeting to be quorate and for at least one parish council member to be present when this relates to a member or a former member of a parish council.
11. The local authorities which establish a joint standards committee must agree its terms of reference and send details of these to the Standards Board. They must also send the Standards Board details of any revisions to the joint standards committee's terms of reference. The terms of reference must do the following:
 - Identify the joint standards committee's functions
 - Make provision for its administrative arrangements
 - Specify, for each authority involved in the establishment of a joint standards committee, which committee is the standards committee to which written allegations of breach of the authority's code of conduct may be sent
 - Specify the number of members to be appointed to the joint standards committee by the authorities establishing it
 - Make provision for the joint standards committee to appoint members to its sub-committees
 - Specify what provision is made for the payment of allowances to members of the joint standards committee
 - Make provision for an authority to withdraw from the joint standards committee upon service of notice.
12. The regulations provide for the expenses of a joint committee to be met by the authorities that establish it, in the proportions they agree. If they disagree, the regulations provide for the proportions to be determined by a single arbitrator agreed on by the appointing authorities.
13. The Standards Board's power to give a direction to suspend the initial assessment functions of a standards committee applies in respect of joint standards committees.
14. **Dispensations** - The Members' Codes of Conduct which have been adopted by local authorities require Members to withdraw from meetings of their authorities when any matters in which they have a prejudicial interest is being discussed. However, they are not required to do so if they have obtained a dispensation from their local authority's standards committee. The regulations set out the circumstances in which standards committees may grant dispensations to a member. These are:
 - The transaction of business of the authority would be impeded because either more than 50% of the members who would otherwise be entitled to vote at a meeting would be prohibited from voting unless they are granted a dispensation or the number of members that are prohibited from voting at a meeting would upset the political balance of the meeting unless dispensations are granted, and

- The member has submitted a written request to the standards committee for a dispensation, explaining why it is desirable, and
- The standards committee concludes that, having regard to the fact that the business of the authority would otherwise be impeded and to the written request and to any other relevant circumstances, it is appropriate to grant the dispensation.

15. The regulations restrict the grant of a dispensation to business conducted during the period of four years after the date on which the dispensation is granted. They also prohibit the grant of a dispensation to allow a Member of an overview and scrutiny committee to participate in the scrutiny of a decision in which that Member was involved or to allow an individual member of a local authority's executive to exercise executive functions solely.

16. The regulations require standards committees to ensure that the granting of any dispensation is recorded in writing and that this is kept with their local authority's register of members' interests.

17. **Guidance** - The Standards Board has published guidance documents on the establishment of joint standards committees and on the granting of dispensations. Copies of these are available from the Standards Board's website at: <http://www.standardsforengland.gov.uk/TheCodeofConduct/Guidance/>