



Leicester  
City Council

**WARDS AFFECTED**  
**All Wards - Corporate Issue**

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**  
**Standards Committee**

**14 May 2008**

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**Standards Committee (England) Regulations 2008**

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**Report of the Service Director (Democratic Services)**

**1. Purpose of Report**

To appraise the Committee of the provisions of the Standards Committee (England) Regulations 2008 and the required actions to ensure compliance with these Regulations.

**2. Recommendations**

The Committee is recommended to:-

- (i) Note the provisions of the Standards Committee (England) Regulations 2008.
- (ii) Note that the revised governance arrangements for the Committee will be addressed elsewhere on the agenda for this meeting of the Committee.
- (iii) Endorse the exploration of joint inter-authority training on the new standards regime in consultation with the Chair of the Committee.
- (iv) Comment on and endorse the proposals contained in the report to ensure that all Members, both elected and co-opted, and employees are briefed on the new provisions.
- (v) Endorse a public information and publicity programme to ensure that members of the public are aware of the new provisions.

**3. Report**

- 3.1. Arising out of detailed Regulations, described below a new, more locally-based standards framework will be introduced with effect from 8 May 2008, which gives Standards Committees responsibility for the initial assessment of all allegations that a Member has breached the authority's code of conduct. With limited exceptions, it also gives them responsibility for any subsequent investigations, decisions and sanctions.

### 3.2. The Regulations

The Local Government Act 2000 (Section 5.3) requires relevant authorities in England to establish Standards Committees and prescribes functions such a Committee undertakes. Further provisions have been added to that legislation by the Local Government and Public Involvement in Health Act 2007 (Section 185) enabling people to make a written allegation to the Standards Committee that a member or co-opted member (or former member or co-opted member) of the Authority has failed to comply with the Authority's Code of Conduct.

The Standards Committee (England) Regulations 2008, come into effect on 8 May 2008. A full copy of these Regulations is attached at Appendix A. These Regulations make provision for dealing with allegations that a member or co-opted member has failed to comply with the Authority's Code of Conduct and confer powers on the Monitoring Officer of the authority concerned to carry out investigations. They also make provision for Standards Committees to reach decisions on allegations and to impose sanctions and for appeals to tribunals of members of the Adjudication Panel for England ("appeals tribunals").

The Regulations also stipulate the various requirements concerning the governance of Standards Committees, including the minimum composition of Independent Members on a Standards Committee, a restriction on the number of members of the executive who may be members of the Committee (one executive Member only), the appointment, in certain circumstances, to a Standards Committee of an Independent Member from another Standards Committee and the establishment and membership of sub-committees of a Standards Committee. Each of these Sub-Committees is to be chaired by an Independent Member, to undertake the initial assessment of allegations, with provision for a differently constituted sub-committee, chaired by different Independent Members, to consider requests to review decisions to take no action. The detailed impact on the composition and Terms of Reference of the Committee is addressed in detail in another report elsewhere on the Agenda.

Finally, the Regulations also make provision as to public access to meetings and documents of Standards Committee and Sub-Committee proceedings and publication of the address to which any written complaint should be submitted.

The Standards Board for England Bulletin 38 (April 2008), which is reported in full elsewhere on this meeting's agenda also contains a comprehensive summary of the Regulations. For the assistance of Members, the relevant section of Bulletin 38 is attached at Appendix B.

### 3.3. Training

It is clear that this new locally-based regime will require in-depth training for Members of the Standards Committee.

A Guidance Toolkit on the Local Assessment of Complaints has also just been published on the Standards Board for England website ([www.standardsboard.gov.uk](http://www.standardsboard.gov.uk))

The Standards Board for England has in addition produced some scenario based training, which is available to download from their website. Discussions, predominantly at officer level, have also take place with Nottingham and Derby City Councils and also Leicestershire County Council to gauge the level of interest in shared training; thereby enabling the use of specialist external resources, but with shared costs. The officer view is that such joint training may well have benefit, rather than it being undertaken in isolation by each authority. There should also be financial economies of scale. It is, therefore, recommended that officers continue to explore inter-authority shared training, subject to any such training provision being to the satisfaction of the Chair of the Standards Committee. Funding for such training will need to be met from within the approved Revenue budget for Democratic Services.

### 3.4. Publicity

#### 3.4.1. Members and Co-opted Members

It is important that all Members, elected and co-opted, of the Council are aware of the new locally-based Standards Framework and regime. Experience to date has shown that briefing sessions are not necessarily well attended by Members – for a variety of reasons. As was evidenced through the issue of bias and pre-determination, attendance of Independent Members, with appropriate officer support at the political group meetings, is one channel which provides a convenient access to Members. The views of Members are, therefore, sought as to whether this is the most appropriate route to ensure briefing concerning the new regime to all Members. It must be noted, of course, that co-opted members would require a separate briefing (which could coincide with their attendance at a meeting of the Overview and Scrutiny Management Board). Such briefings would also be accompanied by appropriate hard copy documentation, which would also be posted on the Council's website.

#### 3.4.2. Publicity

The new Regulations provide for a minimum standards of publicity concerning the new Standards Framework.

However, Members of the Committee have also perceived, for some while, a need for additional public information and publicity. The new provisions provide an ideal impetus to initiate such publicity. In that context, it is recommended that, in consultation with the Council's Communications Unit, a public information and publicity programme be developed, including articles in Leicester Link, FACE (the City Council's in-house employee newsletter), in the Leicester Mercury and on local radio, including community radio stations

## 4. Finance, Legal and Other Implications

### 4.1. **Financial Implications**

The report refers to some potential additional cost for the publicity associated with improvements to the Standards Committee processes. The expenditure on

this is likely to be modest enough to be able to be met from the existing revenue budget implications for the Democratic Services Division. There are no other financial implications arising directly from the report. [Andy Morley, Chief Accountant]

#### 4.2 Legal Implications

The legal implications are contained in the report. [Peter Nicholls, Service Director (Legal Services)]

#### 5. Other Implications

| OTHER IMPLICATIONS            | YES/NO | Paragraph Within Supporting information | References |
|-------------------------------|--------|---|------------|
| Equal Opportunities           | No     |   |            |
| Policy                        | Yes    | <b>As contained in the report</b>       |            |
| Sustainable and Environmental | No     |   |            |
| Crime and Disorder            | No     |   |            |
| Human Rights Act              | No     |   |            |
| Elderly/People on Low Income  | No     |   |            |

#### 6. Background Papers – Local Government Act 1972

#### 7. Consultations

None.

#### 8. Report Author

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