

## **STANDARDS COMMITTEE – INDEPENDENT AND PARISH MEMBERS**

**EXECUTIVE MEMBER:** Councillor Allan Holliday. Deputy Leader  
**LEAD OFFICER:** Martin Jepson, Head of Legal and Democratic Services  
**REPORT AUTHOR:** Tim Capper, Democratic Services Manager

**Summary:** Recommends Council to increase the number of Councillors, independent members and parish members on the Standards Committee

**Recommendation:** That the Council agrees that (a) the composition of the Standards Committee be as follows from 1 April 2008:

7 Councillors (politically balanced)  
3 independent members, to include the chair  
2 parish members

(b) the vacancy for a third independent member be advertised and the Cumbria Association of Local Councils be asked to nominate a person to fill the second parish vacancy; and

(c) the new Standards Committee is formally appointed at Council in February to act with effect from 1 April 2008.

### **1. INTRODUCTION**

- 1.1 The Standards Committee was appointed in 2001 to advise and assist the Council and parish councils in the area on matters relating to ethics and the Code of Conduct. The Standards Committee is a mandatory committee under the Local Government Act 2000 and there are requirements for a minimum number of members (25%) to be persons who are not elected councillors (“independent members”) and in parished areas for at least one member to be a member of a parish council in the area (“parish member”). There is a requirement for the Standards Committee to be chaired by an independent member.
- 1.2 The Council’s Standards Committee at present has two independent members, one of whom is the Chair, one parish member (plus one substitute parish member), in addition to five elected Members (politically balanced at 3:2): total membership 8.

### **2 LOCAL DETERMINATION OF COMPLAINTS**

- 2.1 The Local Government and Public Involvement in Health Act 2007 introduces a new ethical conduct regime for local government based on proportionate decision-making on conduct by local authorities. This will mean all allegations of breaches of the code of conduct will be received directly, assessed and determined by local Standards Committees, rather than by the Standards Board for England as at present.
- 2.2 The Government is consulting on a regulatory framework which will set out the detail of how the new regime will work. This will include a 3 stage process for local standards committees dealing with allegations of misconduct. These 3 stages will be:

- (a) initial assessment of complaint
- (b) review of initial assessment when requested by the complainant
- (c) hearing of complaint and decision on sanction if any

2.3 It appears probable that there will be a requirement, or guidance to the effect that, standards committees should appoint 3 separate sub committees to deal with these 3 stages. All 3 sub committees will need to be chaired by an independent member and where allegations involve a parish councillor, will need to include a parish member. It is not yet known whether it will be mandatory for all authorities to appoint 3 sub committees to deal with each stage of the process, or whether there will be an element of local discretion, and if so what the discretion will be.

### **3 PROPOSALS**

3.1 It is likely that the new arrangements described will involve an increased workload and more frequent meetings for the Standards Committee though this is impossible to quantify at this stage. However the Council is recommended to increase the overall membership of the Standards Committee as the existing composition does not lend itself readily to formation of sub committees. In any event, the 3-stage assessment process described above will require at least one new independent member since it will require 3 independent chairs. As the independent members must form at least 25% of membership, sub committee memberships of four are suggested, with an overall Standards Committee membership of 12, comprising:

7 elected Members (politically balanced)

3 Independent Members

2 parish Members (+ 1 substitute)

3.2 It should be noted that although this Council has followed a convention since the formation of the Standards Committee whereby its membership is politically balanced, there is no requirement under the political balance rules for Standards Committees to be balanced.

3.3 As the new regime is expected to operate from 1 April it is suggested that the vacancy for a third independent member is advertised immediately and that the Cumbria Association of Local Councils is asked to nominate a person to the vacancy for a second parish member, and that formal appointments to these and the additional places for elected members are made at Council in February.

#### **List of Consultees:**

Leader; Deputy Leader; Chief Executive; Chair of Standards Committee

**Background Papers:**

Local Government and Public Involvement in Health Act 2007; Consultation Paper: Orders and Regulations Relating to the Conduct of Local Authority Members in England

**CHECKLIST FOR DEALING WITH KEY ISSUES**

Please confirm against the issue if the key issues below have been addressed. This can be by either a short narrative or quoting the paragraph number in the report in which it has been covered.

Impact on Crime and Disorder	None
Impact on Sustainability	None
Impact on Rural Proofing	None
Health and Safety Implications	None
Impact on Equality and Diversity Issues	None
Children and Young Persons Implications	None
Human Rights Act Implications	None
Monitoring Officer comments	
S. 151 Officer comments	