

Q1 Does the proposal to prohibit a member who has been involved in a decision on the initial assessment of an allegation from reviewing any subsequent request to review that decision to take no action (but for such a member not to be prohibit necessarily from taking part in any subsequent determination hearing), provide an appropriate balance between the need to avoid conflicts of interest and ensure a proportionate approach? Would a requirement to perform the functions of initial assessment, review of a decision to take no action, and subsequent hearing, by sub committees be workable?

The Council considers that the proposal to treat the functions of initial assessment, review and hearing as three separate stages of the process is correct, and agrees with the need to avoid a conflict of interest arising from the same members being involved in both initial assessment and review of the initial assessment. However we consider that the proposal to create three separate sub committees for the three stages is not proportionate, since, as the consultation acknowledges, there is no potential conflict from members being involved in both initial assessment and hearing, or in both review and hearing.

There are also resource problems involved in the proposal for three sub committees, not least because reviews will presumably occur infrequently and therefore a sub committee set up for that purpose alone would have a very light workload.

For these reasons therefore we suggest that two sub committees – for initial assessment and for review if needed – would be more appropriate, with hearings being conducted by the Committee as a whole.

Q2. Where an allegation is made to more than one standards committee, is it appropriate for decisions on which standards committee should deal with it to be a matter of agreement between standards committees? Do you agree that it is neither necessary nor desirable to provide for any adjudication role for the Standards Board?

The Council considers there should be an adjudication role for the Standards Board in cases where standards committees cannot agree.

Q3. Are you content with our proposal that the timescale for making initial decisions should be a matter for guidance by the Standards Board, rather than for the imposition of a statutory time limit?

Yes

Q4. Do you agree that the sort of circumstances we have identified would justify a standards committee being relieved of the obligation to provide a summary of the obligation to provide a summary of the allegation at the time the initial assessment is made? Are there any other circumstances which you think would justify the withholding of information? Do you agree that in a case where the summary has been withheld the obligation to provide it should arise at the point where the monitoring officer or ethical standards officer is of the view that a sufficient investigation has been undertaken?

Yes to all questions

Q5. Do you agree that circumstances should be prescribed in which the monitoring officer will refer a case back to the standards committee?

Yes

Q6. Are you in favour of an increase in the maximum sanction the standards committee can impose? If so are you content that the maximum sanction should increase from three months to six months suspension or partial suspension from office?

Yes

Q7. Do you have any views on the practicability of requiring that the chairs of all sub committees discharging the assessment, review and hearing functions should be independent, which is likely to mean that there would need to be at least three independent chairs for each standards committee? Would it be consistent with robust decision-making if one or more of the sub committee chairs were not independent?

Agree with independent chairs of sub committees, but see response to Q 1 above.

Q8. Do you agree that the initial assessment of misconduct allegations and any review of a standards committee's decision to take no action should be exempt from the rules on access to information?

Yes

Q9. Have we identified appropriate criteria for the Standards Board to consider when making decisions to suspend a standards committee's powers to make initial assessments? Are there any other relevant criteria which the Board ought to take into account?

The correct criteria have been identified.

Q 10. Would the imposition of a charging regime to allow the Standards Board and local authorities to recover the costs incurred by them, be effective in principle in supporting the operation of the new locally-based ethical regime? If so, should the level of fees be left for the Board or authorities to set ; or should it be prescribed by the Secretary of State or set at a level that does no more than recover costs?

We support the principle of a charging regime, but that take the view that charges should be limited to recovery of costs only. We consider that the fundamental merit of a locally-based regime lies in the judgement of a member by that member's peers and that appropriation of cases in default by other standards committees should be as a last resort only. Building an element of profit into the charging regime might be seen as an incentive to local authorities to seek out such cases, which we consider would be undesirable.

Q 11. Would you be interested in pursuing joint arrangements with other authorities? Do you have experience of joint working with other authorities and suggestions as to how it can be made to work effectively in practice? Do you think there is a need to limit the geographical area to be covered by a particular joint agreement and, if so, how should such a limitation be expressed? Do you agree that if a matter relating to a parish council is discussed by a joint committee, the requirement for a parish representative to be present should be satisfied if a representative from any parish in the joint committee's area attends?

We support the principle of joint working and are accustomed to working with other local authorities on other topics. However, due to the nature of the role of the standards committee in local determinations, we are unclear where the potential will be for economies of scale or cost savings from joint working between standards committees.

We agree with the proposed requirement for a parish member from any parish in the joint committee's area to be present when a matter concerning a parish council member is discussed.

Q 12. Are you content that the range of sanctions available to case tribunals of the Adjudication Panel should be expanded, so the sanctions they can impose reflect those already available to standards committees?

Yes

Q 13. Do you agree with our proposals for an ethical standards officer to be able to withdraw references to the Adjudication Panel in the circumstances described? Are there any other situations in which it might be appropriate for an ethical standards officer to withdraw a reference or an interim reference?

Yes and no

Q 14. Have you made decisions under the existing dispensation regulations, or have you felt inhibited from doing so? Do the concerns we have indicated on the current effect of these rules adequately reflect your views, or are there any further concerns you have on the way they operate? Are you content with our proposals to provide that dispensations may be granted in respect of a committee or the full Council if the effect otherwise would be that a political party either lost a majority which it had previously held, or gained a majority it did not previously hold?

We have made only one decision under the existing dispensation regulations which related to a parish council which is not divided into groups for the purposes of the 1989 Act.

We agree with the proposal to clarify the Regulations as suggested.

Q 15. Do you think it is necessary for the Secretary of State to make regulations under the Local Government and Housing Act 1989 to provide for authorities not required to have standards committees to establish committees to undertake functions with regard to the exemption of certain posts from political restrictions or will the affected authorities make arrangements under Section 101 of the Local Government Act 1972 instead? Are you aware of any authorities other than waste authorities which are not required to establish a standards committee under Section 53(1) of the 2000 Act, but which are subject to the political restrictions provisions?

No preference on the first point and no on the second.

Q 16. Do you agree with our proposal to implement the reformed conduct regime on 1 April 2008 at the earliest?

Yes but no earlier.