

Standards Committee

19 April 2005

Open for the purposes of FOI

Report of the Chief Executive

Standards Committee - Amendments to Terms of Reference and the Authority's Standing Orders

Recommendation

1. That the Terms of Reference for the Standards Committee be amended to include:

- (i) "To monitor the effectiveness of the Authority's code of conduct for members and advise the Authority about the operation of its Code of Conduct for Members in the light of best practice, changes to the law, and guidance from the Standards Board for England"; (*Local Government Act 2000 S54 (2)*)
- (ii) "To ensure that all members have access to training in all aspects of the Authority's Code of Conduct for members and that this training is actively promoted." (*Local Government Act 2000 S54 (2)*)
- (iii) "The determination of complaints about the conduct of Members including cases referred by Ethical Standards Officers." (*Statutory Instrument 2004 No 2617 The Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004*)
- (iv) "The granting of dispensations to Members from requirements relating to prejudicial interests set out in part 2 of the Authority's Code of Conduct for Members" (*Statutory Instrument 2002 No 339 The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002*)

2. That Section 7 – Quorum - of the Authority's Standing Orders is amended to include the following additional paragraph:

"The Standards Committee will only be quorate if at least 3 members of the Standards Committee are present for the whole meeting - including at least 1 independent member"; (*Statutory Instrument 2001 No 2812 S6*)

Introduction / Summary

1. Since the instigation of Standards Committees a number of legislative changes have taken place and the Standards Board for England has issued sets of guidance on issues affecting the operation of standards committees,

Background Information

2. The Local Government Act 2000 and its subsidiary legislation enables Ethical Standards Officers (employed by the Standards Board for England) to refer allegations regarding breaches of the Members' Code of Conduct to the Monitoring Officer of an authority for investigation. Ethical Standards Officers can also refer completed investigation reports to the Monitoring officer for local determination by the Standards Committee.

3. The booklet “Local Investigations” Guidance for monitoring officers and standards committees” (circulated to Committee members on 18 February 2005) provides information for monitoring officers on conducting an investigation and for standards committees on conducting hearings and imposing penalties.
4. The publication “Guidance on standards committees, police, fire, national parks and other authorities” from the Standards Board for England states that the general functions of a Standards Committee are “ to promote and maintain high standards of conduct for members; and help members follow the code of conduct.” (this is a direct reference to the Local Government Act 2000 S54(1))

Background Papers:

- “Local Investigations” Guidance for monitoring officers and standards committees” issued by the Standards Board for England
- “Guidance on standards committees, police, fire, national parks and other authorities” Standards Board for England.
- Statutory Instrument 2004 No 2617 the Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004
- Statutory Instrument 2001 No 2812 the Relevant Authorities (Standards Committee) Regulations 2001

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