

## **BRECKLAND COUNCIL**

### **STANDARDS COMMITTEE – 11 DECEMBER 2007**

#### **REPORT OF THE DEPUTY CHIEF EXECUTIVE** **(Author: John Chinnery, Standards Consultant)**

### **STANDARDS COMMITTEE: COMPOSITION TO CARRY OUT NEW FUNCTIONS**

**Summary:** The requirements of new, emerging legislation are referred to, with possible options for the make-up of Standards Committee for the future.

#### **1. BACKGROUND**

1.1 The Local Government and Public Involvement in Health Act 2007 has now become law, although the section relating to Standards complaints and Committees has not yet been brought into force.

1.2 The key changes to the framework are:

- Standards Committees will be responsible for receiving allegations and deciding whether any action needs to be taken (referred to as 'local assessment').
- Standards Committees must be chaired by an independent member.
- Standards Committees will report periodically to the Standards Board.
- Standards Committees will be allowed to enter into joint working arrangements with other Standards Committees.

Regulations need to be drafted to prescribe how some of these provisions will work in practice, not least local assessment and monitoring arrangements. Local assessment is on course to come into effect in April 2008 and the Standards Board is conscious of the need to have the legislation and guidance in place before then.

1.3 The present membership of the Committee is 4 members, including 2 Breckland Councillors, 1 Parish Councillor and 1 Independent Member (ie a non-councillor). There are 2 substitute Breckland Councillors, 2 Substitute Parish Councillors and 1 Substitute Independent.

#### **2. STANDARDS COMMITTEE COMPOSITION**

2.1 This Committee will need to have in place by 1 April 2008 (projected date, subject to regulations) the means to deal with:

- (1) the initial assessment of all Standards complaints from the Breckland District;
- (2) a Review sub-committee (where a complainant can ask for a review when complaints are not referred for investigation); and
- (3) a hearings (sub) committee.

These three functions cannot be carried out by the same Members.

#### **Possible Systems**

2.2 Three separate sub-committees of 3 or 4 Members each, needing total membership of 9 to 12 members.

- 2.3 Two sub-committees of 3 or 4 Members each, and joint arrangements with one or more other neighbouring authorities for one of the three functions to be carried out on behalf of Breckland: the 'Review' function would seem most appropriate for this.
- 2.4 A new system of joint arrangements with shared Standards Committees with one or more other authorities.

#### Comment

- 2.5 There will be new regulations and guidance from the Standards Board for England which set out the detail of how complaints will have to be dealt with and how any joint provision arrangements could work, but these are still awaited.
- 2.6 Under the new Act, the Chairman of Standards Committee will have to be an independent Member (that is, not a district or parish councillor). This may apply to sub-committees, but we do not know at present. Each sub-committee will have to have an independent Member, and a sub-committee dealing with a parish matter must have a parish member.
- 2.7 The absolute minimum number for a sub-committee is therefore 3 – it may be advisable to appoint 4 members, or at the very least to have sufficient substitute members to ensure that committees do not have to be cancelled at the last minute.

### **3. KEY DECISION**

- 3.1 This is not a key decision.

### **4. COUNCIL PRIORITIES**

- 4.1 This report falls within the following Council priorities:
- A well planned place to live which encourages vibrant communities.

### **5. OPTIONS**

- 5.1 Do nothing until the new Regulations and Guidance are available. This has the disadvantage that without special procedures the changes to the Constitution might not be in place by 1 April 2008. The Monitoring Officer advises strongly against this option.
- 5.2 Recommend to Council that this committee is increased in size to either 6, 8 or 9 members (or more) with a suggested operative date in the future. This could include the change in Chairmanship and the appointment of the Substitute Independent Member and a Substitute Parish Member as full members of the committee.
- 5.3 As 5.2 but with effect as soon as possible – in practice this would be 28 February 2008.

### **6. RECOMMENDATION**

- 6.1 To ensure the committee is ready to operate the new arrangements, options 5.2 or 5.3 are preferred.