

REPORT TO	DATE OF MEETING
STANDARDS COMMITTEE	6 FEBRUARY 2008

Report template revised February 2007



SUBJECT	PORTFOLIO	AUTHOR	ITEM
CONSULTATION ON “ORDERS AND REGULATIONS RELATING TO THE CONDUCT OF LOCAL AUTHORITY MEMBERS IN ENGLAND”	NOT APPLICABLE	DAVID WHELAN	5

SUMMARY AND LINK TO CORPORATE PRIORITIES

The report (and the attachments to it) outlines the nature of the government’s consultation document and the proposed response to it.

The report links to the corporate priority objective of ensuring that the Council maintains a sound system of internal control underpinned by effective risk management and high ethical standards.

RECOMMENDATIONS

That Standards Committee agrees a response to the consultation

DETAILS AND REASONING

As Members are aware the Local Government and Public Involvement in Health Act 2007 came into force on the 31 October 2007. Part 10 of this Act brings into law the new local referral regime for dealing with complaints against members. The intention is that the new arrangements will come into force on the 1st April 2008. To enable this to happen the government needs to publish Regulations that will flesh out how the scheme will operate in practice.

The government consultation document entitled:-“Orders and Regulations Relating to the Conduct of Local Authority Members in

England” is attached (Appendix 1). To quote from this document:- “ For the new, reformed ethical regime based on a devolutionary approach to become operational, we need to make regulations and orders under the Local Government Act 2000 (the 2000 Act) as amended by Part 10 of the 2007 Act to implement the proposals set out in the Local Government White Paper to deliver a more locally based conduct regime for local government members, with local standards committees making initial assessments of misconduct allegations and most investigations and determinations of cases taking at local level.”

Members will also see attached (Appendix 2) to this report a provisional response to this consultation document. The Council’s response is needed by the 15th of February. Members will note that in the consultation document the government poses a series of questions (16 in total) that it invites comments on. Members are invited to look at the provisional response.

Overall – from an officer’s point of view – the document seems reasonable albeit greater detail would have been appreciated. Further the proposed timetable for bringing the new regime into place (a start date of the 1st of April) seems rather tight to say the least. It is almost certain that the size of the current Standards Committee will need to be increased and that Sub-Committees will need to be set up. The Committee – and possibly Sub-Committees – will need to be chaired by an independent member. We will need to make the requisite amendments to our constitution to bring these changes into effect.

We may need to look into the desirability of joint working on this issue with some of our neighbouring local authorities.

Clearly both Members and Officers will need appropriate training on the new local referral regime. We are looking into the most effective way of delivering this training. Members' views would of course be welcome on this issue.

WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas listed below, and the table shows any implications in respect of each of these. The risk assessment which has been carried out forms part of the background papers to the report.

FINANCIAL	There are no financial implications at this stage arising from this report. However, once the new regime has been introduced then it is possible that the level of officer support will have to be looked into. At this juncture it is impossible to fully assess the impact of the new arrangements.
LEGAL	Clearly it is imperative that the Council has proper arrangements in place to deal with the new local referral regime. This will almost certainly necessitate a change in the size of Standards Committee and Sub-Committees will need to be set up. An independent chair will be required. Clearly amendments to our constitution to effect the above will be required.
RISK	Overall members may consider that the new local referral regime (with greater emphasis on the determination of complaints at a local level) is a welcome development. However, it is imperative that we have in place robust procedures to ensure that complaints are dealt with effectively in order that public confidence in the Council remains at a high level. Clearly the intended start date for the new arrangements of the 1 st of April 2008 is a challenging target.
OTHER (see below)	Training and Development – Members and Officers will need extensive training in this regard.

<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Efficiency Savings</i>	<i>Equality, Diversity and Community Cohesion</i>
<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>
<i>Respect Agenda</i>	<i>Staffing</i>	<i>Sustainability</i>	<i>Training and Development</i>

BACKGROUND DOCUMENTS

None