

## REPORT TO STANDARDS COMMITTEE - 17 JULY 2007

### LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH BILL

#### Recommendations:

- (1) That the main provisions of this Bill be noted as set out in this report;**
- (2) That, once the Bill has become law, further reports be submitted on the impact of this legislation on the procedures adopted by the Standards Committee for handling complaints;**
- (3) Amendments to the terms of reference of the Standards Committee in the District Council's Constitution; and**
- (4) A review of officer roles by the Monitoring Officer in the light of the likely new provisions in the Act.**

1. (Monitoring Officer) The Local Government and Public Involvement in Health Bill contains many new provisions and revisions to governance arrangements for local authorities. Part 10 of the Act deals with ethical standards and in particular the role of Standards Committee and the Monitoring Officer in dealing with complaints against members. A summary of the major provisions in Part 10 of the Bill is set out below. It must be remembered that this is a Bill at the present time and is not planned to become law until at least the autumn of 2007.

#### **(a) Written Allegations - Right to Make and Initial Assessment**

2. This sets out the entitlement of any person to complain that a Councillor may have breached the Code. The Bill directs complainants to the relevant Standards Committee in the first instance. The Committee may then:

- (i) refer the complaint to the Monitoring Officer;
- (ii) refer the complaint to the Standards Board;
- (iii) decide to take no action.

3. Provision is also made for the Committee to refer on a complaint to another Monitoring Officer, if the Councillor is no longer a member but serves in another District.

4. There is a right for the complainant to request (within 30 days) a review of the decision not to act. This request is made to the Standards Committee. The latter has three months to respond.

5. The Bill makes provision for the Councillor to be notified of the allegation, any decision not to take any action and any request for a review. Government regulations will set out more details on this.

#### **(b) Power to Suspend Standards Committee Functions**

6. The Bill gives the Standards Board power to direct that the procedures outlined under (a) above, shall not apply to a specific allegation/request and to direct that the matter is referred to another Standards Committee (if they consent) or to the Standards Board itself.

**(c) Allegations referred to the Standards Board**

7. The Bill states that in cases where Standards Committees refer a case to the Board, the latter must:

- (i) refer the matter to an Ethical Standards Officer for investigation; or
- (ii) take no action; or
- (iii) refer the matter back to the Standards Committee concerned.

Notice is to be given to the various parties involved.

**(d) Information to be Provided to the Standards Board**

8. The Bill provides for relevant authorities to send various returns to the Board as follows:

- (i) allegations received;
- (ii) requests for reviews received;
- (iii) other action taken by the Committee under its statutory powers;
- (iv) functions exercised under the Act by the Monitoring Officer.

9. The information required and timescale for submission will be specified by direction of the Standards Board.

**(e) Sub Committees of Standards Committees**

10. The Bill states that sub committees dealing with parish councillors (or any other parish council related matter) must comprise:

- at least one independent member;
- parish representative in the District.

11. The parish member must be present at any such meeting.

**(f) Joint Committees**

12. The Bill makes provision for Joint Standards Committees for two or more authorities to be established. Regulations will be made in order to specify which functions can be covered.

**(g) Ethical Standards Officer Reports**

13. The Bill sets out the powers of the Standards Board to disclose these reports to Monitoring Officers. Similar provisions relate to disclosure of such reports to:

- Councillors;

- Officers;
- Members of the Executive.

14. These are conditional on disclosure assisting in the promotion of high standards of behaviour.

**(h) Adjudication Panels**

15. Various changes are made to the operation of case tribunals on complaints.

**(i) Data Protection Act (DPA)**

16. Personal data processed for any statutory function by the Monitoring Officer or an Ethical Standards Officer are exempt from subject information provisions of the DPA, to the extent that the carrying out of those functions might be prejudiced.

**(j) Political Restrictions - Local Authority Staff**

17. Granting and supervision of exemptions from political restrictions under the Local Government and Housing Act 1989 are to become the responsibility of the Standards Committee. Exemptions were previously dealt with by central government and relate to staff who are 'restricted' from taking part in political activity (usually senior staff or those advising the press or councillors) seeking leave to disapply the restriction.

18. The Bill allows Standards Committees to direct the Council not to include certain posts on the list of restricted posts. Standards Committee are to give priority to applications for exemptions prior to elections. Regulations are planned to provide further details.

19. Once the Bill has become law, it will be possible to assess fully the effect on the terms of reference of this Committee, the procedures that the Committee already have in place for dealing with complaints against councillors, and officer roles. It is planned therefore to submit further reports on these aspects once the final shape of the Act is known.

20. The Bill has attracted a considerable degree of debate in the Commons already and is currently before the House of Lords and there is a further schedule of amendments being proposed.