

6. New Duties in 2008

REPORT OF: TOM CLARK
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Wards Affected: All
Key Decision N/A

Purpose Of Report

1. To update the Committee on the provisions in the Local Government and Public Involvement In Health Act 2007 and to consider a recent checklist and Code of Conduct guidance from the Standards Board for England.

Recommendations

2. **The Committee is asked to consider the checklist and note the work done to date in meeting the likely responsibilities of the Standards Committee from April/May 2008.**
 3. **To note the guidance notes issued by the Standards Board for England and to raise any points of interest and concern that should be drawn to the attention of all Members of the District Council and to Clerks of Town and Parish Councils.**
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Future Duties

4. The Local Government and Public Involvement In Health Act received the Royal Assent in October 2007 but much of the Act requires commencement orders. A commencement order is expected shortly in connection with the new Standard Committee responsibilities for County, Unitary and Districts in England. It is probable that these responsibilities will be passed to us from the Standards Board for England in April/May 2008.
5. In addition to being responsible for the District Council Members the Standards Committee is also responsible for matters in the 24 Town and Parish Councils in the District. This makes the task rather greater than for County Councils and Councils without Town and Parish Councils.
6. Members are asked to note from the checklist at **Appendix 1** that our Standards Committee has increased in size to 12 and we have the necessary Independent and Parish Council Members to carry out the filtration task, the appeal task and the hearing task that could come from one complaint. It will be a requirement that all the necessary sub-committees and the full committee are chaired by an Independent Member. Members are asked to consider how the responsibilities should be divided within the Committee. One suggestion is for 3 of the Independent Members to chair one each of these sub -committees with the fourth Independent Member chairing the whole Committee and acting as a substitute for the other 3 Members. This should ensure that no independent member appears at both the filtration stage and appeal stage on any one application. Arrangements will similarly need to be made for District Council Members, and for Parish Members when there is a Parish complaint.

7. It will be necessary for guidelines to be adopted for the filtration process but it is inappropriate to do this until we have the guidance from the Standards Board. In turn the Standards Board are awaiting guidance from the Secretary of State. I would expect to receive this guidance in February 2008 and would therefore suggest a training event on the 5th March 2008 to finalise the local position in accordance with the guidance received.

Guidance Notes

8. Members are asked to consider the guidance notes issued by the Standards Board for England and at Appendix 2 of this report. Members are asked to consider what if any point needs to be drawn to the attention of District Council Members and Town and Parish Council Clerks.

Financial Implications and Other Material Implications

9. The budget for the Standards Committee is likely to be increased in 2008/09 to cover the costs of the additional work and in particular the cost in investigating any complaints that are deemed serious enough for investigation but not serious enough for reference to the Adjudication Panel at the Standards Board. Any complaints, where if the allegation were true, would likely to lead to a disqualification for more than 6 months are the sort of complaints that should be referred to the Adjudication Panel, given the restricted powers of suspension and disqualification for the Standards Committee itself. The discretion as to whether the reference is accepted lies with the Adjudication Panel.

Background Papers

The Local Government and Public Involvement In Health Act 2007 and the background papers found at Appendix 1 and Appendix 2.