

Report of	Meeting	Date
Monitoring Officer	Standards Committee	18 June 2009

THE STANDARDS COMMITTEE (FURTHER PROVISIONS) (ENGLAND) REGULATIONS 2009

PURPOSE OF REPORT

- To advise members of new regulations which allow the Standards Board for England to suspend the initial assessment functions of local authorities and enable authorities to set up joint standards committees. The regulations also empower standards committees to grant dispensations to members who would otherwise not be able to participate in authority business because of a prejudicial interest. The regulations came into force on 15 June 2009.

RECOMMENDATION(S)

- To note the report.

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	Y

BACKGROUND

- The Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007 ("the Act") provides that regulations may be made to prescribe the circumstances and procedure whereby the Standards Board for England may suspend the power of a standards committee to carry out initial assessments of misconduct allegations. The Board may direct that the allegations are referred to itself to assess or are referred to the standards committee of another authority.
- The Act also provides for the setting up of joint standards committees and for regulations to be made setting out the circumstances in which dispensations may be made.

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6. The above Regulations came into force on 15 June 2009. They set out the circumstances and procedure when the above provisions in the Act are to be used. Members were made aware of the proposed changes in a report to this Committee on 8 February 2008 in relation to a consultation document issued by the Department for Communities and Local Government.

SUSPENSION OF INITIAL ASSESSMENT FUNCTIONS

7. The Regulations set out the circumstances in which the Standards Board may give a direction the effect of which is to suspend the initial assessment functions of local authorities. The events which may give rise to intervention by the Standards Board are as follows:
 - Failure of the standards committee to have regard to Guidance issued by the Standards Board
 - Failure of the standards committee to comply with a direction issued by the Standards Board
 - Failure of the standards committee or the Monitoring Officer to perform their functions properly or within a reasonable time
 - Invitation by the authority or its standards committee to the Standards Board to intervene

When the Standards Board intends to give a direction to suspend the initial assessment functions of an authority it must serve notice on the authority setting out its reasons and specifying a date within six months on which a direction may be given. The authority then has 28 days to submit observations to the Standards Board which the Board must take into account before giving a direction. This procedure does not apply if the authority or its standards committee has invited the Standards Board to intervene.

Once a direction is made the authority must arrange for it to be published in at least one newspaper and, if the Standards Board consider it appropriate, on the authority's website and in any other publication.

The Standards Board may revoke a direction if it considers that the circumstances giving rise to the direction no longer apply.

JOINT STANDARDS COMMITTEES

8. Joint standards committees of two or more authorities can exercise all of the functions of a standards committee but cannot operate concurrently with another standards committee of any of the authorities which set it up.

The terms of reference of joint standards committees must include the following:

- The functions which they are to discharge
- Their administrative arrangements
- Which committee is the standards committee to which written allegations should be sent
- The number of members on the committee and their terms of office
- Provision for appointment of members to sub-committees of the joint standards committee
- Payment of allowances
- Procedure for an authority to withdraw from the joint standards committee on service of notice

The authorities should agree how to allocate the costs of the joint committee between themselves or if they cannot agree should appoint a single arbitrator to decide.

The Standards Board has indicated that it will issue guidance on joint standards committees which will include a draft terms of reference which will include a template for the information required by the regulations.

DISPENSATIONS

9. At present dispensations can be granted by the standards committee of an authority where the number of members prevented from participating in the business of the authority exceeds 50% due to them having a prejudicial interest. The Regulations provide that members may seek a dispensation where the political balance of a meeting would be affected to such an extent to prejudice the outcome of voting.

Members should submit a request in writing for a dispensation giving reasons. A dispensation is not valid if the business to be conducted is more than four years since the dispensation was granted.

IMPLICATIONS OF REPORT

10. This report has implications in the following areas.

Finance	Y	Customer Services	
Human Resources		Equality and Diversity	
Legal		No significant implications in this area	

Establishment of joint standards committees may lead to costs savings. However if this option were considered a full assessment would need to be conducted.

There are no background papers to this report.

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