

## **Lancashire Standards Conference**

### **Workshop Questions put to Paul Hoey, the Standards Board for England**

Answers from Paul Hoey to each question are shown in *Italics*.

#### **Elected Members**

1. Why is it ok for Cabinet Members to sit on Planning Committees and not the reps from local representative groups?

*More detailed Guidance to follow. Clearly there may be circumstances where Members are more affected than others.*

2. How can the public be aware that Members have been advised by legal officers not to participate?

*This relates to predetermination which is covered by common law. The Standards Board will issue further guidance.*

3. Introduce time limits for consideration of complaints from beginning to end.

*The vast majority of complaints are rejected at first stage. This will have to be developed locally on local issues and circumstances. Time limits should not be imposed but the Standards Board will monitor this.*

4. Knowing about accusations as soon as possible and not midway through the investigation.

*Initial consideration is given on whether there is a case to answer at all. The Standards Board view after early experience was that Members would only be notified at the stage when it is decided either not to pursue the case or refer for investigation.*

5. Can Members be sued if they discuss confidential information in planning committees?

*Members would need to take legal advice. A member would not be covered by qualified privilege.*

6. Should there be a time limit for the submission of evidence in the support of a complaint?

*Yes, but the period would depend on the nature of the case. The Standards Board has mechanisms for this. A Member under investigation will always know what the complaint is. Time limits will generally be imposed but discretion can't be fettered especially in serious cases.*

## **Officers**

1. Need data from the Standards Board on Parish complaints to assess resources.

*Parish Council complaints make up about 80% of all complaints. The number in individual areas could be quantified.*

2. Need clarification on advice in the guidance and code on a) speaking when Members have prejudicial interests and b) register of Gifts and hospitality c) clarification on what is meant by improperly influencing.

*a) Speaking when having prejudicial interests is allowed where the public also have the right to speak.*

*b) The wording in the Code is awkward, but the Standards Board Guidance clarifies the position that it is the Gift that should be declared.*

*c) For instance a Leader could influence a position if he or she speaks on it - this is not allowed.*

3. Concern at timing of new regulations on Local Filtering – need early to setup new procedures

*It is expected that the Bill will receive Royal Assent in October and implementation by April 2008. The Standards Board agrees that early Regulations are required and are in discussions with the DCLG. Local Authorities could lobby direct on this issue.*

4. Need protocols on dealing with complaints against dual-hatters – Standards Boards may have material.

*The Standards Board is also concerned about this, and will be looking at it. There aren't any present ground rules.*

## **Chairs Deputies**

1. Should Chair/Deputy chairs be Independent? Will this be mandatory?

*The Bill specifies that the Chair should be an Independent Member but not Deputy Chairs. However Local Authorities have local discretion on this.*

2. Will there be a requirement that different Committee Members should deal with each stage of the process? Filtering/adjudication/appeal – if so there will be resource issues.

*This may not be in statute but natural justice suggests that this should be the case. The Adjudication and Filtering stages could possibly involve the same Committee Members but it would be better to have a different membership. The Standards Board is very keen on Authorities having joint arrangements and are piloting on this issue.*

## **Independent Members**

1. Require Standards Board assistance with role play training/official DVD on role-play.

*The Standards Board will be issuing Guidance on training. The Website does have access to some scenarios. Capacity limits the amount of training possible and therefore this will be focused at Regional level.*

2. Guidance on how long the process should take from beginning to end?

*The Standards Board will be monitoring this.*

3. How to deal with vexatious litigants?

*All complaints will have to be considered on merit, but Authorities might wish to have trigger mechanisms through databases/monitoring etc.*

4. Need to centralise experience.

*The Standards Board will be collating information on this for consistency and will test this out with some Authorities.*

5. More publicity required from the Standards Board and Local Authorities on the standards regime and standards committees.

*It is not the role of the Standards Board to communicate with the public. Publicity shouldn't make the area too easy nor too difficult.*

6. Support from the SB in recruiting wider cross section of the public as Independent Members.

*The Standards Board will look at this and share best practice information.*