

**1** **B**

1.1 To inform the Committee of recent changes in legislation relating to Standards Committees and to seek instructions on further work to be done.



**3** **B**

New Standards Committee Regulations come into force on 15 June 2009. The Regulations give greater powers to the Standards Board, make provision for the establishment of joint standards committees and make changes to the dispensations rules. Some of these issues are addressed in the Standards Committee work plan for the current municipal year and further work will need to be undertaken as a result of the introduction of the regulations.

**4** **B**

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On 21 May 2009 the Standards Committee (Further Provisions) (England) Regulations 2009 were laid before Parliament. The Regulations came into force on 15 June 2009.

The Regulations make the following changes:-

- The provision of powers to the Standards Board for England to issue Directions to suspend certain functions of standards committees. Further, an allowance for the Standards Board for England to undertake certain functions of the Standards Committee to assess Code of Conduct complaints and in certain circumstances to refer certain powers and functions of the Standards Committee to another Standards Committee. These particular powers are contained within the Local Government Act 2000 (as Amended by the Local

Government and Public Involvement in Health Act 2007) and are there to safeguard the provision of service provided by the Standards Committee to Local Communities. The powers ensure that if a standards committee is not performing adequately the Standards Board for England have the power to intervene.

- Standards Committees can now join together to form joint standards committees. The new committees can be made up of two or more individual standards committees, can have their own terms of reference and have powers delegated to them by their respective authorities. Members of the joint committee can be paid an allowance and there is a provision for individual authorities to leave the joint standards committee if they choose to do so at some point in the future. This particular provision is again contained in the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007 and it also involves the requirements set out in the Standards Committee (England) Regulations 2008. It is widely considered that the addition of this particular provision is to assist standards committees with the additional resource implications following the introduction of the local filtration system for considering Code of Conduct complaints.
- There are changes to the dispensation arrangements. Dispensations are still to be made in writing to the Standards Committee and can be applied for in the following circumstances in relation to council business:-
  - (i) where the number of members of the authority prohibited from voting on the business of the authority at a meeting exceeds 50% of those members that, but for the granting of any dispensation relating to that business, would otherwise be entitled to vote on that business; or
  - (ii) the number of members prohibited from voting on the business of the authority at a meeting would, but for the granting of any dispensation relating to that business, upset the political balance of that meeting to such an extent as to prejudice the outcome of voting at that meeting.

The wording of this dispensation rule is slightly different and in particular takes into account the changes to the Code of Conduct which allow members to take part in a meeting to a limited extent when they have a personal and prejudicial interest (subject to the rules on public speaking at that particular meeting).

### Implications

At the time of preparing this report we have not yet seen any Standards Board guidance which will supplement the new regulations. However, we would expect such guidance to be issued in due course. The implications of the intervention powers given to the Standards Board for England cannot be properly assessed as yet. It will be interesting to see the particular thresholds and procedure which the Standards Board for England will adopt as they develop their new role as the strategic regulator in this area of ethical standards.

As far as the Joint Standards Committee provisions are concerned it will be particularly important to await further guidance from the Standards Board for England. The Standards Committee has already identified joint working as an area to be considered during the municipal year. At part 14 of the work plan agreed by the Standards Committee there is a specific instruction to “evaluate the options and implications of joint working with other standards committees”. The deadline for completing that work is March 2010. It is suggested that now the provisions relating to joint standards authorities have been issued that work can now commence on evaluating the implications and options available for joint working including that of a joint standards committee.

The changes to the dispensation rules need to be communicated to all elected members. It is suggested that the dispensations form and guidance previously agreed by this committee is renewed and updated. The updated information can be made available on the members’ information point, forwarded to all town and parish councils and mentioned in the next Ethical Standards Bulletin.

**2** 

The Standards Committee will need to ensure that any work that is undertaken as a result of the introduction of these regulations is compliant with equality and diversity requirements.

**3** 

No implications.

**4** 

The main legal implications are outlined in the main body of this report.


In order for there to be any changes to the Standards Committee in terms of joint working there will be a requirement to change the terms of reference and delegated functions and this would require the matter to be considered by the Council’s Constitution Committee and approved by the full Council.

**5** 

Ensuring that the Council complies with the new Standards Committee regulations will assist the Council in achieving its priority of being an efficient, effective and customer-focused council

**6** 

The risks and opportunities associated with implementing the changes brought about by the new standards regulations have been assessed. Further work undertaken at the request of the Committee can ensure that the opportunities that arise from the introduction of the new regulations are maximised and the risks are managed effectively.

**7** 

As the report mentions, further guidance is awaited in relation to the establishment of Joint Standards Committees and work will be needed to

evaluate options and implications which will include highlighting any financial implications.

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District wide implications.

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The Standards Committee (Further Provisions) (England) Regulations 2009.  
The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002  
Local Government Act 2000  
Local Government and Public Involvement in Health Act 2007  
The Standards Committee (England) Regulations 2008

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