

METROPOLITAN BOROUGH OF WIRRAL

STANDARDS COMMITTEE – 7 FEBRUARY 2001

CONSULTATION PAPER – STANDARDS COMMITTEE

1. Executive Summary

This report seeks members views on a number of questions set out in a consultation paper on new regulations relating to Standards Committees and generally on the scope and content of such regulations.

2. Background

2.1 The Local Government Act 2000 provides for a new statutory framework governing the conduct of local government members and employees. As part of this framework all local authorities are now required to set up Standards Committees, although many, including Wirral, have set up such committees in advance of legislation.

2.2 The Government proposes to make regulations in the Spring governing the composition of Standards Committees, the way in which independent members should be appointed and the procedural rules under which committees should operate. The Government are consulting on the draft regulations which are attached to this report as an annex to the consultation paper. Responses are sought by 9 March 2001 to the specific questions set out below and generally on the scope and content of the Regulations:-

Q.1 Is there a need to limit the minimum size of committees?

The Government is reluctant to do so and it is suggested this should be a matter for local discretion.

Q.2 Is the Government right to require a minimum number of independent members?

By law a committee must have at least one independent member.

Q.3 Is 25% the right proportion?

The Government are proposing (Regulation 3) a minimum of 25% of the membership. This does not seem unreasonable but it may mean we have to appoint an additional member.

Q.3 Should the number of executive members be limited?

By law, an executive mayor or executive leader cannot be a member and a member of the Executive cannot chair a Standards Committee.

The Government believes the number of executive members should be limited so that these committees are not seen to be creatures of the Executive. This seems sensible.

Q.5 Should it be limited to one?

The Government proposes a limit of one executive member. This may be unduly restrictive particularly for larger committees.

Q.6 (Not relevant)

Q.7 (Not relevant)

Q.8 Is the Government right to regulate for the appointment of independent members?

The Government proposes to require authorities to adopt appointment procedures designed to ensure the independence of such members. This seems rather prescriptive.

Q.9 Are the requirements in Regulations 4(a), (b), (c) and (d) reasonable?

Q.10 Are the disqualifications appropriate?

The regulations require –

- advertisement in two or more local newspapers, including the authority's own newspaper
- appointments by a selection panel advising the full Council
- need for 75% support of Council
- disqualification for persons related to or with close relationship or friendship with a member or officer which might reasonably be thought to prejudice the person's independence or if a co-opted member of another committee or sub-committee

N.B. Transitional arrangements are dealt with later.

Members may feel these arrangements are rather prescriptive and the need for a 75% majority is a departure from normal practice.

Q.11 Should Part VA of the 1972 Local Government Act, as suitably amended, govern the proceedings of Standards Committee?

These are the access to information requirements that apply to ordinary committees of the Council. Members may feel it would be appropriate to extend them to Standards Committees.

Q.12 (Not relevant)

Q.13 Is there any other aspect of the proceedings of Standards Committees that needs to be regulated?

Members' views are requested.

Q.14 Are the rules on validity reasonable?

These require:-

- two members to be present at all meetings
- in two, three or four member meetings at least one independent to be present
- in larger meetings two independents to be present

These rules appear sensible but meetings would have to be called off if insufficient independent members attended.

Q.15 Are any other rules needed?

Members' views are requested.

Q.16 Is it reasonable that authorities should be able to avoid having to reappoint existing independent members for up to two years?

Transitional arrangements for existing Standards Committees will allow the retention of independent members appointed under the Council's own arrangements for up to two years if they are satisfied their appointment process was sufficiently rigorous to guarantee the independence of the members concerned. However, such members must not be disqualified. Any additional members must be appointed in accordance with the Regulations and all other requirements will apply.

This is a sensible provision.

Q.17 Should the disqualification rule apply to existing members?

This seems appropriate if the rule is considered to be important.

3. Financial and Staffing Implications

There are none associated with this report.

4. Equal Opportunity Implications

Applications will be considered on an equal opportunity basis.

5. Human Rights Implications

There are no implications of this kind.

6. LA 21 Implications

None.

7. Community Safety Implications

None.

8. Planning Implications

None.

9. Local Member Support Implications

None.

10. Background Papers

Attached Consultation Paper and Draft Regulations.

11. Recommendation

Members are asked for their views on the questions set out above and generally.

P.G. MANSON

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PGM./LW.
17 January 2001

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