

WIRRAL COUNCIL

STANDARDS COMMITTEE – 28 JANUARY 2008 REPORT OF THE DEPUTY CHIEF EXECUTIVE/DIRECTOR OF CORPORATE SERVICES

CONSULTATION ON NEW ETHICAL FRAMEWORK

1. **Executive Summary**

The Local Government and Public Involvement in Health Act 2007 (“the Act”) provides, among other things, for a revised ethical framework for local government. This report sets out the proposed changes and the implications for the operation of this Committee. The Government has issued a consultation document on the proposed changes. The Committee’s views on a draft response to the Consultation are sought. It is also intended that this report will be considered by the Cabinet on 7 February 2008.

2. **Background**

2.1 The Act makes a number of key changes to the ethical framework under which local authorities will operate. These are:

- Standards Committees will be responsible for receiving allegations and deciding whether any action needs to be taken (referred to as ‘local assessment’).
- standards committees must be chaired by an independent member.
- standards committees will report periodically to the Standards Board.
- standards committees will be allowed to enter into joint working arrangements with other Standards Committees.
- The Standards Board will be responsible for monitoring and ensuring the effectiveness of local arrangements, including supporting authorities which are experiencing difficulties and driving up their performance.

2.2 **Local Filter Pilot Schemes**

In preparation for the move to the new ethical framework, the Standards Board has developed pilot schemes and authorities have been asked to provide feedback on the following proposals:

- Operating the local filter system for complaints.
- Joint working arrangements for Standards Committees.
- Developing the Standards Board’s monitoring and auditing role.

The first pilot sought, among other things, to investigate the prospects for achieving consistency of local decision-making. 38 authorities were given a range of real anonymised allegations and asked, as part of a training exercise,

simply to consider what, if any, action they would take when facing that allegation.

The second pilot related to how to make joint arrangements work. This pilot involved working with a small number of authorities to see what would be the advantages and disadvantages of working jointly, including resource issues, conflict management and consideration of the composition of a joint committee. The pilot identified four different types of joint-working structures for authorities to choose from if they want to follow this path; one structure for informal joint working, one for the local filter only, one for the local filter and hearings and finally, one structure for full powers. From feedback received from the authorities, and from a consultation event held with Monitoring Officers of those authorities involved, the preference was for the joint working structure to handle the local filter function only.

The third pilot is concerned with the type of information the Standards Board will be requiring in order to monitor performance and the means of collecting it. For example, the Standards Board will be testing with pilot authorities a web based system that will allow them to file their quarterly returns using the Standards Board's website. Once a system has been finalised guidance will be published setting out the requirements that authorities will need to meet and how they meet them.

Views of Monitoring Officers following the Pilots.

In the course of all the pilots Monitoring Officers were asked for recommendations on 'making the local filter work' in their own authority. The results demonstrate that almost half of the Monitoring Officers would increase the frequency of Standards Committee meetings and 40% would consider increasing the size of their Standards Committee, with 33% identifying a need to have more independent members. 60% felt there would be a need to increase resources in order to carry out the new responsibilities.

3. Consultation

3.1 The Department for Communities and Local Government (DCLG) has issued a consultation document on proposed Regulations and Guidance on the new regime. The deadline for responses to the consultation is 15 February 2008. It is intended that the new regime should be operational from Spring 2008. A copy of the consultation document issued by DCLG is attached as Appendix 1. DCLG seek specific response in a number of areas of the proposed regime. A list of the questions which are being asked in the consultation is attached to the Consultation document as Appendix A.

3.2 In very brief summary the proposals relate to:

- the need to develop sub-committees to carry out initial investigations, reviews of determinations to take no action and determinations;
- how to deal with complaints against "dual-hatted" members (e.g members of a local authority who are also members of the police authority);
- a requirement to publish locally the new arrangements;
- guidance on the timescales for carrying out investigations/making decisions;

- the requirement to provide a written summary of the allegation to the member and circumstances where this need not be done;
- the requirements for notification of a decision to take no action;
- the process for a standards committee referring an allegation to the Monitoring Officer for investigation or other action (e.g. mediation);
- the process for the Monitoring Officer referring an allegation back to the standards committee;
- to increase the maximum penalty which a standards committee can impose from 3-6 months suspension;
- the requirement that the standards committee chair must be an independent member and whether it should also be a requirement that the sub-committee chairs should also be independent members;
- whether the public Access to Information Rules should apply to hearings on initial assessments and reviews of decisions to take no action;
- the powers of the Standards Board to suspend a standards committee's functions to carry out investigations and determinations and the power for those to be referred to other standards committees;
- the procedures for suspension and ending a suspension;
- the ability to set up joint arrangements for standards committees;
- the extension of sanctions available to a Case Tribunal of the Adjudication Panel;
- circumstances where an ethical standards officer would withdraw a reference from an Adjudication Panel;
- the process for issuing dispensations to members to participate in meetings;
- the granting of exemptions from political restrictions on posts;
- maximum pay of political assistants;
- the proposed date of implementation of the new regime (1 April 2008).

3.3 The proposals represent a significant change from the current roles and responsibilities. There have been relatively few complaints to the Standards Board in respect of Wirral Councillors. However, these proposals will still require consideration of the potential impact on the workload of the Standards Committee and the Monitoring Officer. At present initial assessments and investigations are carried out by the Standards Board. Therefore, even if the current low rate of allegations being made continues there will be an increase in workload for the Monitoring Officer and the Committee. There is also likely to be a need for specific training for members of the Committee on the new regime and carrying out assessments.

3.4 The proposed changes clearly have significance for all members. Therefore, a copy of this report and the Consultation Paper has been sent to each of the political groups. This report will also be considered by Cabinet on 7 February 2008.

4. **Financial and Staffing Implications**

4.1 The proposed changes will result in a need for increased training for members of this committee. This is being referred to the Members' Training Steering Group for inclusion in the training programme. It is anticipated that this will be met from within the existing Members' Training Budget.

4.2 The financial and staffing implications of the likely need for the Monitoring Officer to conduct investigations are currently being assessed and will be the subject of a further report when more detail is available on the final proposals.

5. **Local Member Support**

There are no implications for individual wards arising directly from this report.

6. **Equal Opportunity Implications**

There are none arising directly from this report.

7. **Human Right Implications**

There are none arising directly from this report.

8. **Local Agenda 21 Implications**

There are none arising directly from this report.

9. **Community Safety Implications**

There are none arising directly from this report.

10. **Planning Implications**

There are none arising directly from this report.

12. **Background Papers**

There are no background papers

13. **Recommendations**

- (1) That the Committee's views on the Consultation document are sought.
- (2) That the Committee notes the likely increase in workload for it and the Monitoring Officer as a result of the proposed changes; and
- (3) the Committee receives further reports on progress as appropriate.

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