

WIRRAL COUNCIL

STANDARDS COMMITTEE – 31 MARCH 2008 REPORT OF THE DEPUTY CHIEF EXECUTIVE/DIRECTOR OF CORPORATE SERVICES

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 which I reported to this committee on 28 January 2008. The purpose of this report is to give an update on the proposals.

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 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. Although there is currently provision for referral by the Standards Board to the local authority for local assessment this has never happened with a Wirral case. 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. Since the last meeting of this committee the Member’s Training Steering Group has agreed to incorporate this training within the programme for this coming year.

- 2.3 The consultation document indicated that it was intended that Regulations would bring these changes in to effect on 1 April 2008. However, since that consultation document was issued I attended a Monitoring Officer Conference attended by the Chief Executive of the Standards Board. He indicated that it had been indicated by DCLG that the implementation would now be in “early May 2008”. I have very recently spoken to a solicitor at the Standards Board who confirmed that they are working on the basis that the changes will be implemented in early May, though they do not have a specific date at the moment. She also stated that she envisaged that Standards Board Guidance would be issued in late April/early May. The Guidance cannot be issued until the result of the consultation process is known and it has become clear what will be contained within the Regulations.
- 2.4 The next scheduled meeting of this committee is not until 30 June 2008. In order to ensure that Wirral is ready to meet the requirements of the new regime it may be necessary to convene a special meeting to consider the regulations and guidance and make any changes to the operation of the committee necessary to comply with the law.

- 2.5 The matters which are likely to need to be urgently addressed are:

The requirement for an independent chair;

The requirement to set up panels to consider local assessment (it is likely that there will be a requirement for at least 2 separate panels and, subject to the outcome of the consultation there may need to be 3). It is possible that each panel will be required to be chaired by an independent member of the committee;

The need for training for members on local assessment; and

The possible financial implications for the Corporate Services Department to enable it to respond to the requirement for local assessment.

3. Financial and Staffing Implications

- 3.1 The proposed changes will result in a need for increased training for members of this committee. This has been referred to the Members’ Training Steering Group and approved for inclusion in the training programme. It is anticipated that this will be met from within the existing Members’ Training Budget.
- 3.2 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.

4. Local Member Support

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

5. Equal Opportunity Implications

There are none arising directly from this report.

6. Human Right Implications

There are none arising directly from this report.

7. **Local Agenda 21 Implications**

There are none arising directly from this report.

8. **Community Safety Implications**

There are none arising directly from this report.

9. **Planning Implications**

There are none arising directly from this report.

10. **Background Papers**

There are no background papers

11. **Recommendation**

(1) That the Committee's notes this report.

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28 March 2008