

Body: STANDARDS COMMITTEE

Date: MONDAY, 19TH OCTOBER, 2009

Subject: JOINT STANDARDS COMMITTEES

Report Of: VICTORIA SIMPSON, LAWYER TO THE COUNCIL AND MONITORING OFFICER

Ward(s) All.

Purpose To update the Committee in relation to joint standards arrangements.

Recommendation: The Committee is asked to note the guidance given by the Standards Board for England in relation to joint standards arrangements.

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1.0 Background

- 1.1 The requirement for all authorities to set up a Standards Committee is contained in the Local Government Act, 2000, whilst the Standards Committee (England) Regulations 2008 set out the rules governing the size and composition of the Standards Committee. Other statutory instruments govern the appointment of independent members and the framework for dealing with allegations of misconduct by members.
- 1.2 The above includes the framework which has been established in order to allow for Sub-Committees of the Standards Committee to make initial assessment of an allegation, to review an initial assessment decision and to hold a determination hearing.
- 1.3 It is noted that since the new standards regime came into being, the main burden of investigating allegations of misconduct and determining the same has shifted from the Standards Board for England (now known as Standards for England) to the Standards Committees of local authorities.
- 1.4 As a means of allowing local authorities flexibility when exercising their responsibilities in this regard, the Standards for England has made provision for the setting up of Joint Standards Committees. Guidance published by Standards for England is attached as Appendix 1.

2.0 Joint Standards Committees

- 2.1 The guidance on the establishment of the Joint Standards Committee reflects the Standards Committee (Further Provisions) (England) Regulations 2009. These empower authorities to establish Joint Standards Committees where authorities consider that additional flexibility is needed and/or where doing so is considered likely to benefit the successful management of the standards framework in their area.
- 2.2 Members will note from the guidance that Standards for England identify three possible model structures for Joint Standards Committee as a means of trying to offer up ways of operating joint arrangements which it considers might be useful.
- 2.3 The different suggestions contained in the guidance are offered up for discussion, along with the wording in the guidance which goes to the possible potential benefits of operating joint arrangements. It is noted however that any such benefits will be very much dependent on the individual authorities' circumstances and that **the setting up of Joint Standards Committees is not mandatory.**

3.0 Views on Joint Arrangements for Standards Committees

3.1 As Lawyers to the Council, your Monitoring Officer and Deputy Monitoring Officer are active members of the East Sussex Secretaries and Solicitors Association. ESSAS is a useful forum for pooling knowledge and resources and working together where possible, not least by exploring options for joint working. The option of operating joint arrangements for Standards has been discussed by ESSAS members.

3.2 The opinion of ESSAS as agreed by members in July 2009 is as follows:

"There are a number of areas where heads of East Sussex legal departments are examining the scope for joint working, but these do not include forming any joint standards committees. They have gained the impression that their Members would prefer to keep the decisions on standards complaints within the remit of their own authorities' standards committees and sub-committees. The power to co-opt additional independent persons on an ad hoc basis has removed the main concern about having insufficient independent persons to deal with any complaint which has to go to an assessment, a review and then a hearing. Authorities are more likely to need to call on each other for assistance in the less formal stages, such as proving an officer to carry out an investigation, or a trained mediator."

4.0 Other Points to Note

4.1 As noted in paragraph 3.2 above, there are situations where the expertise of officers in other authorities can be a useful resource. The Deputy Monitoring Officer at Hastings is also a trained mediator and her services were engaged in one matter recently in order to provide help with 'other action' at a favourable rate. Maintaining the integrity of the relationship between your Monitoring Officer and the members here is achieved by ad hoc recourse to outside investigators when required.

- 4.2 Whilst informal recourse to our neighbours can be useful, it is relevant to note that some authorities of a similar size to Eastbourne Borough Council have a significant volume of member complaints to deal with. The number of investigations of members of this authority has thus far been relatively low in number and it is not considered that the interests of this authority would best be served by entering into reciprocal agreement with our neighbours at the current time.
- 4.3 While the likelihood of this authority being able to make joint arrangements with a neighbouring authority at this time is therefore slim, ESSAS' position may alter in the future. Your Monitoring Officer and Deputy Monitoring Officer will ensure that the matter is reviewed if it becomes a viable option.

5.0 Consultation

- 5.1 None.

6.0 Resource Implications

- 6.1 None.

7.0 Conclusion

- 7.1 The Committee is asked to note the guidance issued by Standards for England.

VICTORIA SIMPSON
LAWYER TO THE COUNCIL AND MONITORING OFFICER

Background Papers:

The Background Papers used in compiling this report were as follows:

None.

(VS/DF/LG/160/1)