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William Tandoh,
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29th January 2008

Dear Mr. Tandoh,

ORDERS AND REGULATIONS RELATING TO THE CONDUCT OF LOCAL AUTHORITY MEMBERS IN ENGLAND – CONSULTATION

I refer to the above Consultation Paper, which was considered by the Council's Standards Committee at its meeting on the 24th January 2008. The Committee's replies to the specific questions are as follows:

1. The Committee anticipated that the different stages would be dealt with by sub-committees. Members agreed that a member who has been involved in a decision on the assessment of an allegation should be prohibited from being involved in a subsequent review of that decision. Members acknowledged the Monitoring Officer's concerns about issues of bias and predetermination should a member who has been involved in either the initial assessment or review stage take part in any subsequent determination hearing. However, on balance, Members felt that, whilst it would be preferable to have no overlap of members at the different stages, it was important for there to be some flexibility. They felt that, provided that the initial assessment had simply considered whether the complaint appeared to disclose a breach of the Code of Conduct which merited further action, there was nothing to preclude a member from participating again at the determination stage. Members felt that this would particularly be the case where the matter was not contested by the member at the determination stage.
2. Members felt that if the same allegation was made to more than one standards committee, then discussions between the two committees should resolve which of them would deal with the matter.
3. The Committee would prefer the timescale to be a matter of guidance rather than statutory prescription.
4. The Committee made no comment on this question.

Mrs. Sarah Taylor
Head of Legal & Human Resources

5. The Committee agreed that circumstances should be prescribed in which the monitoring officer will refer a case back to the standards committee.
6. The Committee agreed with the proposed increase, which it felt would properly reflect the standards committee's role under the new regime.
7. The Committee felt that it would be preferable for the sub-committee chairs to be independent, although it would be important for them to receive appropriate training. With regard to the establishment of sub-committees, the Council has experience of a similar situation under the Licensing Act 2003, where there is a Committee of fifteen members, but ad hoc sub-committees are established by the Head of Democratic Services to deal with individual hearings. Four members of the Committee are designated as chairmen, and each ad hoc sub-committee comprises one of the designated chairmen and two other members. This arrangement has worked well for Licensing, and it is suggested that any Regulations relating to standards committees should be flexible enough to allow ad hoc sub-committees to be established from the pool of Standards Committee members to deal with each stage of the process, with each sub-committee being chaired by one of the independent members. This would ensure that individual members gain a wide experience, share the workload, and do not always deal with the same stage of a complaint, and would provide flexibility in the event of holidays or sickness. It would also ensure that a parish council member could always be placed on a sub-committee which is dealing with a parish complaint.
8. The Committee agreed that the initial assessment and review should be exempt from the rules of access to information, but felt that it would be important to ensure that a clear and proper record was kept.
9. The Committee had no comment on this question.
10. The Committee had no comment on this question.
11. The Committee would prefer to deal with all complaints locally itself. However, in the event of any resourcing difficulties, it might wish to consider the possibility of joint working in the future. In particular, the Committee would welcome the possibility of accessing a pool of independent members who have served on the standards committees of other councils and whose expertise could be a useful asset to be shared.
12. The Committee was content with the proposals.
13. The Committee agreed with the proposals.
14. The Committee noted that the Monitoring Officer has always had concerns about the wording of the second part of the dispensation regulations, and in particular the fact that the requirements for political balance refer to the appointment of members to committees and not the attendance of members at committees. On that basis the Committee would welcome the proposed clarification and amendment.
15. The Committee had no comment on this question.
16. The Committee was of the firm view that the long-awaited new regime should be implemented on the 1st April 2008. This is the date that the Standards Board and local authorities have been working to, and the Committee took the view that there should be no delay.

I hope that these comments are helpful.

Yours sincerely,

HEAD OF LEGAL AND HUMAN RESOURCES/MONITORING OFFICER