

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

STANDARDS COMMITTEE

15TH JANUARY, 2007

1. LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH BILL

Joint Report of the Clerk and the Monitoring Officer.

RECOMMENDED

(1) THAT the contents of the report be noted.

2. PURPOSE OF REPORT

This report is submitted to bring to the attention of the Committee relevant provisions of the Local Government and Public Health Involvement Bill.

3. BACKGROUND

3.1 The Local Government White Paper “Strong and Prosperous Communities” was published on 26th October 2006. The Local Government and Public Involvement in Health Bill follows from the White Paper and was introduced in the House of Commons on 12th December 2006.

3.2 Part 9 of the Bill deals with ethical standards. Details of these provisions are set out in more detail at paragraph 3.5 below.

3.3 The proposals are aimed at devolving most decision-making on the conduct regime for local authority members to local authorities with a revised regulatory role provided for the Standards Board. The measures provide for local standards committees to make initial assessments of misconduct allegations and for review arrangements for those assessments which lead to no action being taken. The provisions also give powers for the Standards Board to suspend a standards committee’s role in making initial assessments of allegations, and for the Board to issue guidance to

standards committees and ethical standards officers.

3.4 Part 9 of the Bill deals with ethical standards and includes clauses relating to the following:-

- (a) Local standards committees of authorities to undertake the role currently exercised by the Standards Board for England of conducting the initial assessment of allegations of misconduct which relate to one of their members or co-opted members.
- (b) Standards committees can either refer the allegation to the authority's monitoring officer for consideration, refer the allegation to the Standards Board or take no action in respect of the complaint.
- (c) If a standards committee decides to take no action over an allegation it should write to the person who made the allegation informing them of the decision and the reasons for this.
- (d) Where a standards committee has made a decision that no action should be taken regarding an allegation the person who made the allegation can, within 30 days of the date of the decision notice, ask the standards committee to review its decision. Following receipt of such a request, the standards committee must undertake a new assessment of the allegation.
- (e) The Standards Board can direct that a standards committee's power to undertake initial assessments of misconduct allegations should be suspended, and to direct that any allegations the standards committee receives must be referred either to the Standards Board or to a specified standards committee of another authority.
- (f) Standards committees are required to provide the Standards Board with periodic information on the allegations of misconduct they have received, any requests received to review their decisions to take no action in

respect of allegations, and the exercise of any functions by the standards committees or their monitoring officers.

- (g) Standards committees should be chaired by a person who is neither a member nor an officer of a relevant authority.
- (h) Standards committees may appoint sub-committees to undertake any of its functions.
- (i) The Secretary of State may make regulations enabling two or more relevant authorities to establish joint committees.
- (j) A monitoring officer can inform any member or officer of the authority of the outcome of an ethical standards officer's investigation into an allegation, and also provide them with a copy of the report or any part of it where this would help to promote high standards of conduct by members and co-opted members of the authority.
- (k) A monitoring officer may be enabled by regulations to refer back cases referred to him by a standards committee.
- (l) Regulations may provide for referrals from standards committees to the Adjudication Panel where standards committees consider sanctions available to them to be insufficient.
- (m) The Local Government Ombudsman may consult standards committees and the Standards Board about cases if he believes that the complaint he is considering relates partly to a matter which may be of concern to the committee.
- (n) The principles which govern the conduct of members and the provisions of the code of conduct are not limited only to members' conduct in their official capacity.
- (o) The Local Government and Housing Act 1989 provides that a person is disqualified from becoming a member of a local

authority if he holds a politically restricted post. The granting and supervision of exemptions from the political restriction will be the responsibility of the standards committee of each local authority in England, rather than that of the Independent Adjudicator.

3.5 The Bill makes several provisions for regulations that will provide the detail on how some of these functions are exercised and also enabling the Standards Board for England to issue guidance and carry out monitoring.

3.6 In general the provisions of the Bill will be brought into force by order made by the Secretary of State.

4. **EQUALITY AND DIVERSITY**

4.1 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out, as the matters contained in this report will not lead to and do not relate to a policy change.

5. **LEGAL IMPLICATIONS**

5.1 The Bill when enacted will bring legislative changes to the ethical framework and increase the work done at the local authority level.

6. **FINANCIAL IMPLICATIONS**

6.1 There are no resource implications arising directly from this report although implementation of the provisions will mean increased work for the Monitoring Officer and the Standards Committee and this may in due course have some resource implications.

BACKGROUND PAPERS

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MONITORING OFFICER

SUSAN PHELPS
CLERK