

REPORT OF STANDARDS COMMITTEE

(Meeting held on 29 November 2001)

1. APPOINTMENT OF INDEPENDENT AND PARISH/TOWN COUNCIL REPRESENTATIVES TO STANDARDS COMMITTEE (REPORT A) (MINUTE 13)

Members will recall that at its last meeting on 5 October 2001, the Council agreed the revised membership of the Committee, to take account of the need for independent and parish council members to serve, as required by the Local Government Act 2000 and the Relevant Authorities (Standards Committees) Regulations 2001. The recommendations, agreed by the Council on 15 October 2001, provide for:

- The Committee to comprise a total of 8 members - 4 District Councillors, 2 independent members and 2 representatives of the parish/town councils in the District;
- Parish matters to be dealt with by the full Committee and not by a Sub-Committee;
- The New Forest District Association of Local Councils to be requested to nominate the two parish/town council representatives;
- The four District Council places on the Committee to be allocated to the political groups as follows:

2 Conservative
1 Liberal Democrat
1 Independent

The nominations of the political groups for the District Council places on the Committee are dealt with elsewhere on this agenda.

The Committee has considered the appointment of two independent members and two Parish/Town Council representatives. The nominations of the New Forest District Association of Local Councils were received for the Parish/Town Council representatives and these have the Committee's support. The nominations require confirmation from the Association's meeting on 6 December 2001 and if any changes occur these will be reported to the Council.

The applicants for the independent places were interviewed.

RECOMMENDED:

That the following persons be appointed to serve as members of the new Standards Committee with effect from 18 December 2001, for a period of one year:-

- ***Mr Jeremy Giltrow (independent member)***
- ***Mr Alexander Lander (independent member)***
- ***Mrs L C Ford (Parish/Town Council representative)***
- ***Mrs D P Fairhurst (Parish/Town Council representative)***

2. APPOINTMENT OF INDEPENDENT REMUNERATION PANEL (REPORT B) (MINUTE 14)

The Committee has appointed three persons to serve on the Independent Remuneration Panel on members' allowances and related issues for a period of one year. The Panel's terms of reference have been agreed. The Panel comprises:

- (i) Mrs Madeleine Sumsion, South East Employers
- (ii) Mr Ronald Orton
- (iii) Mr Roy Woolley

The Panel will meet in the New Year. All members of the Council will have an opportunity to express views or comments to the Panel.

3. THE NEW STYLE STANDARDS COMMITTEE, THE MODEL CODE OF CONDUCT AND THE MEMBER COMPLAINTS PROCEDURE (REPORT C) (MINUTE 15)

The Committee has received an update on the Model Code of Conduct for Members and has approved changes to the current members' complaints procedure to reflect the establishment of a new style statutory Standards Committee which comes into effect on 18 December 2001. From that date, there will no longer be a need for the current Standards Panel, as complaints against District Councillors will be dealt with by the newly constituted Standards Committee. The new procedure will be interim only, as it will be necessary to alter the procedure again once the Regulations and Government Guidance on the new statutory complaints process are in force.

It will also be necessary to amend the Terms of Reference of the Standards Committee slightly to enable it to deal with Member complaints. The recommended changes are set out in Appendix 1 to this report (shown in bold type).

All authorities including parish and town councils will be under an obligation to adopt the new model Code of Conduct within six months from 6 November. Once adopted, members will be obliged to comply with it and their subsequent actions will be judged against the provisions of the Code.

Once parish and town councils adopt the Code, the Standards Committee and the Monitoring Officer have a statutory responsibility to deal with complaints against local councillors. The precise role of the Standards Committee and the Monitoring Officer in such circumstances will be set out in Regulations and Government Guidance. The role is expected to be an onerous one.

Further, the Monitoring Officer will be under a statutory obligation to hold a Register of all parish and town councillor interests (to include gifts and hospitality) in the same way as for district councillors.

In addition to the above specific duties (which are imminent), there are duties on the new Standards Committee and the Monitoring Officer which will take effect once the Standards Committee is formally constituted on 17 December 2001. Together they will have a statutory duty:

- (i) to advise the district council and parish and town councils on the adoption of the new Model Code of Conduct.

- (ii) to monitor compliance with the Code, and
- (iii) to advise and train members, including parish and town councillors, on matters relating to the Code of Conduct. There is no doubt, bearing in mind that there are nearly 400 parish and town councillors in the New Forest area, that such a duty will be time consuming.

As Regulations and Government Guidance on a number of aspects is still awaited, the new Standards Committee will be advised to recommend that the Model Code is not adopted by New Forest District Council until near the end of the six months allowed by law. This will allow the opportunity to consider the Regulations and Guidance in a measured way and also give time to prepare for the new responsibilities.

Officers will be advising parish and town councils to do likewise as it would be unfortunate if a local council adopts the Code earlier when the secondary legislation is not in place and upon which the whole process is dependent. Seminars have been arranged with the clerks of the parish and town councils during December to discuss all the issues surrounding the new probity and ethical framework.

Once the Model Code is adopted by authorities, a member of the public will be entitled to make a written allegation to the Standards Board for England that a member (including parish and town council members) has breached a provision in the Model Code. The Standards Board may decide to investigate or the matter will be passed to the Council's Monitoring Officer to investigate and, if appropriate, to refer the matter to the local Standards Committee to deal with.

In addition, complaints may well come to the Council direct. Advice from the Standards Board to date is that these should be dealt with locally and, if appropriate, for these matters to be referred to the Standards Committee. In due course and certainly once the Code is adopted by councils in the New Forest area, it will be crucial that there is in place a local complaints procedure for those complaints coming directly to the authority itself. The Standards Board for England have also advised that they do not envisage becoming involved in complaints and allegations in respect of breaches of local, as opposed to the model, Codes. This Council has a variety of such Codes for example, 'The Code of Conduct for Members and Officers dealing with Planning matters' and 'The Code for Member/Officer Relations'. It will therefore be important to retain a complaints procedure in respect of breaches of these local Codes.

The Committee has noted that there is no doubt that the new probity and ethical framework will have financial implications. Due to the onerous nature of the new responsibilities, which take effect on 18 December, it will not be possible for these to be subsumed within existing resources. A bid for additional resources is being considered in conjunction with the expenditure plans.

RECOMMENDED:

- # ***That the amendments to the Standards Committee's terms of reference as set out in Appendix 1 to this report be adopted.***

**Cllr J A G Hutchins JP
CHAIRMAN**

APPENDIX 1

STANDARDS COMMITTEE

TERMS OF REFERENCE

1. To exercise the following functions of the Council and Parish **and Town Councils (as far as legislation allows):-**
 - i Preparation, implementation and review of the overall ethical framework for the Council.
 - ii Preparation of a Model Code of Conduct (**including local protocols**) within any overall parameters set by Government or legislation and to make recommendations, thereon to Council.
 - iii Advising the Council on any revision of the Code of Conduct (**or protocols**) and monitoring ~~its~~ **their** operation.
 - iv Assisting Councillors and Officers of the Council to observe the Council's Code of Conduct (**or protocols**).
 - v Advising Councillors and Officers on compliance with the Code (**or protocols**) and providing training for Members and Officers to enable them to comply with such Code (**or protocols**).
 - vi Consideration of any matters referred to it by the National Standards Board following an investigation by Ethical Standards Officers.
 - vii Consideration of, within any constraints imposed by legislation, complaints against Cabinet Members who fail, or refuse, to attend meetings of the Review Panels when requested to do so in connection with the functions of the Cabinet.
 - viii Consideration of and making recommendations to Council on the provision of facilities and other support to Councillors.
 - ix Commissioning and receiving Reports of the ~~Members' Allowances Panel~~ **Independent Remuneration Panel** and making recommendations thereon to Council.
 - x Management and control of all Public Registers of Councillors' and Officers' interests and arrangements for the operation of any systems relating thereto.
 - xi To consider and determine, ~~through a Standards Panel of up to three members of the Committee, one from each political group represented on the Council,~~ complaints against members **in line with the Council's local complaints procedure.**
2. To make recommendations to Council on estimates of income, fees and charges and expenditure and the budget required to enable the Committee to undertake its functions.
3. Subject to compliance with any provisions within legislation and the Council's Constitution, to delegate any of the functions of the Committee to an officer of the Council.

4. To respond on behalf of the Council to consultation papers on matters falling under the specific terms of reference of the Committee.
5. Within the requirements of the Local Government Act 2000 and any regulations made thereunder –
 - (a) To make arrangements, including the appointment of a selection panel comprising one member of each political group represented on the Council, for the selection of Independent Member(s) to the Standards Committee, for recommendation to the Council.
 - (b) Following consultation with Town and Parish Councils and the New Forest District Association of Parish and Town Councils, to make appropriate arrangements for parish council representation on the Standards Committee.

Note: The word 'Council' set out above is to be read as including references to Town and Parish Councils as appropriate.