

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

7TH FEBRUARY 2008

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

Responsible Portfolio Holder	Councillor Roger Smith
Responsible Head of Service	Claire Felton, Monitoring Officer and Head of Legal, Equalities and Democratic Services

1. SUMMARY

The Council has been invited by the Department for Communities and Local Government (DCLG) to respond to a consultation paper on Orders and Regulations Relating to the Conduct of Local Authority Members in England (the Consultation Paper). The Standards Committee is requested to consider the Consultation Paper to enable a response to be forwarded on behalf of the Council. The closing date for responding is 15th February 2008.

2. RECOMMENDATION

That the Standards Committee consider the Consultation Paper and makes recommendations to enable the Monitoring Officer to prepare a response on behalf of the Council.

3. BACKGROUND

- 3.1 The Consultation Paper seeks views of local authorities to enable regulations to be drafted to flesh out Part 10 of the Local Government and Public Involvement in Health Act 2007 (LGPIHA) which has introduced local assessment of complaints against councillors. The regulations will set out details including those relating to the composition and membership of sub-committees, the process by which local assessment will be undertaken, increases in sanctions available and the Standards board for England's power to suspend a standards committee's powers.
- 3.2 The Consultation Paper also seeks views on proposed amendments to the Relevant Authorities' (Standards Committees) (Dispensations) Regulations 2002 and also to the maximum pay available to local authority political assistants.

- 3.3 The Consultation Paper is appended to this report. The questions to which responses are requested are set out throughout but are also listed in Annex A to the Consultation Paper.
- 3.4 The Consultation Paper assumes that local authorities will operate sub-committees for the various stages of the process of handling complaints against councillors, namely assessment, review and determination. It indicates that the view of the DCLG is that members who sit on a sub-committee which deals with the assessment of a complaint or review of an assessment may sit on the committee or sub-committee which carries out the final determination. Members of the Standards Committee will recall that it was the view of the trainer who delivered training for Standards Committee last year that this might potentially open members who carried out the initial assessment to allegations of pre-determination at a subsequent final determination, and members are requested to consider this point carefully before responding to Question 1 of the Consultation Paper.
- 3.5 In view of the short consultation period and the closing date for responses, the Monitoring Officer is also seeking views on the Consultation Paper from all Members and will compile an appropriate response on behalf of the Council.

4. FINANCIAL IMPLICATIONS

None.

5. LEGAL IMPLICATIONS

The consultation relates to proposed regulations to be introduced under Part 10 of the LGPIHA which amended Part III of the Local Government Act 2000 (Conduct of Local Government Members and Employees).

6. COUNCIL OBJECTIVES

This report does not relate to any of the Council Objectives.

7. RISK MANAGEMENT

7.1 The main risks associated with this report would be as follows:

- Failing to respond to the Consultation Paper would result in Members losing the opportunity to influence the government actions on this issue.
- The Council failing to be ready and have suitable procedures in place for when the new legislation comes into force.

- These risks are being managed as follows:
 - A response will be submitted on behalf of the Council.
 - To monitor the risk associated with the failure to be ready for the implementation of the legislation. This issue will be added to the Risk Register – see 7.2.

7.2 Currently the risk identified in the second bullet point in 7.1 is not addressed by any risk register and will be added to the Legal, Equalities and Democratic risk register as follows:

- Monitor the implementation of the Local Government and Public Involvement in Health Act and associated statutory instruments and guidance (including implementation of section 19 of the Police Justice Act 2006) with a view to identifying the key areas of impact on the operation of the Council and implementing any associated changes required to the constitution, practice and procedure.

8. CUSTOMER IMPLICATIONS

None.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

None.

10. VALUE FOR MONEY IMPLICATIONS

None.

11. OTHER IMPLICATIONS

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	The consultation paper relates to governance issues which will be addressed by the Council on the publication of the proposed regulations
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None
Environmental	None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director (Partnerships and Projects)	No
Executive Director (Services)	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

All Wards

14. APPENDICES

Appendix - The Consultation Paper

15. BACKGROUND PAPERS

None.

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