



STANDARDS COMMITTEE
19 December 2007

**The Local Government and Public Involvement in Health Act
2007**

PURPOSE OF REPORT:

To Note

SUMMARY:

The Local Government and Public Involvement in Health Act 2007 ("the Act") received Royal Assent on 30 October 2007 and will introduce changes to the requirements imposed on the Council and on the Standards Committee

The Local Government and Public Involvement in Health Act 2007

1. The Local Government and Public Involvement in Health Act 2007 ("the Act") received Royal Assent on 30 October 2007. Part 10 of the Act will introduce a locally managed framework of compliance with the Code of Conduct, which will involve the Standards Committee in making initial assessments of any allegations that the Council receives about member misconduct and, in most cases, any complaint which requires further action will be investigated and decided without the involvement of the Standards Board for England.
2. Once the Act comes into force the Standards Committees will have three separate but distinct roles in relation to complaints about member conduct:
 - Receiving and assessing complaints
 - Reviewing local assessment decisions
 - Conducting hearings following an investigation into the complaint

Receiving and assessing complaints

3. Where the Council receives a written complaint about member conduct the Standards Committee will need to decide **either** to refer the matter to the Council's Monitoring Officer for investigation, **or** to refer the matter to the Standards Board for England **or** take no further action. At this preliminary stage the role of the Committee will be to decide whether the complaint discloses something that needs investigating. It will not require a decision on whether the conduct in question did or did not take place.

Reviewing local assessment decisions

4. Where the Committee decides that no action is needed it will be required to notify the complainant, who may then request a review of the decision. That review is also to be the responsibility of the Standards Committee

Conducting hearings following an investigation into the complaint

5. Where a complaint about a Member of Surrey County Council is referred to the Monitoring Officer it will be investigated and following investigation the Standards Committee will meet to consider the investigator's report and may hear from witnesses. As is the case now the Committee can decide that:
 - the Councillor did not fail to comply with the Code or
 - there was a failure to comply with the Code, but no further action needs to be taken or
 - the Councillor failed to comply with the Code and a sanction should be imposed.
6. The range of sanctions available includes all or any of the following:-
 - i) Censure of the Councillor
 - ii) Restriction of the Councillor's access to Council premises and use of Council resources for up to 3 months,
 - iii) Suspension as a Councillor of the relevant authority for up to 3 months.
 - iv) Partial suspension as a Councillor of the relevant authority for up to 3 months. (This could be, for example, suspension from a Committee where the misconduct related to the Councillor's participation in the work of that Committee).
 - v) Suspension or partial suspension until the Councillor provides a written apology or undertakes remedial training or conciliation as determined by the Standards Committee (up to a three month maximum).

Workload Pressures

7. It is anticipated that the new law will come into effect from 1 April 2008. Although Surrey County Council has a good track record of high ethical standards from its Members there is no doubt that the new role of receiving and assessing complaints will increase the workload of the Committee. Members who consider an allegation will not be able to review their own decision if the complainant requests such a review and previous experience has shown that allegations are best determined by a smaller number of Members than a full Committee. There will therefore need to be at least two Sub-Committees. However a Member who is involved in deciding that a complaint requires further investigation may hear and determine the complaint itself, as he or she should not have pre-determined whether the conduct alleged to have taken place in fact happened. Members of the Standards Committee will be asked to attend training into both the initial consideration of an allegation and in conducting a hearing and it is recommended that only Members who have undergone such training should be involved in the processes of assessing complaints and determining the outcome including any sanctions.

Independent Chairmanship

8. The Act will also require the Standards Committee to be chaired by an Independent Member

Role of the Independent Adjudicator

9. Restrictions on political activities by local government staff were introduced under the Local Government and Housing Act 1989 which provided for the appointment of an independent adjudicator to consider granting dispensations for staff who wished to be politically active. Under the Act the role of the independent adjudicator will also transfer to local Standards Committees. At present the likely date of this transfer of functions is not known. The Monitoring Officer has only referred one such case for adjudication since she was appointed to her current role in April 2002, so believes this is unlikely to form a major new part of the Committee's work.

<u>RECOMMENDATIONS:</u>

That the Committee notes the report and considers what further training it may require

<u>NEXT STEPS:</u>

The Monitoring Officer will implement any training plans and keep the Committee informed when new Regulations and guidance are issued

REPORT AUTHOR: Ann Charlton Head of Legal Services and Monitoring Officer

CONTACT DETAILS:

02085419001

Sources/background papers:

The Local Government and Public Involvement in Health Act 2007