

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

9 September 2009

AUTHOR/S: Chief Executive / Deputy Monitoring Officer

JOINT STANDARDS COMMITTEE

Purpose

1. To inform members of progress made regarding the potential to establish a form of joint arrangements with the Standards Committee of East Cambridgeshire District Council (ECDC) and to decide on the way forward.

Executive Summary

2. Following discussions with ECDC the Committee is advised to consider establishing a joint standards committee with ECDC for the hearings (determination) function only.

Background

3. As reported at the June meeting, the Standards Committee (Further Provisions) (England) Regulations 2009 make provisions for two or more local authorities to establish a joint standards committee to exercise functions under Part 3 of the Local Government Act 2000 and Part I of the Local Government and Housing Act 1989.
4. Guidance issued by the Standards Board for England, now called Standards for England (SfE), entitled "Joint Standards Committee Guidance", states that "Joint arrangements are likely to be most useful where additional flexibility to deal with cases is needed, or where resources are limited and sharing them would benefit the successful management of the standards framework in that area."
5. The guidance identifies the benefits of forming a joint standards committee as:
 - (a) avoidance of conflicts of interest through a wider pool of members;
 - (b) consistency of procedures;
 - (c) public confidence in the complaints process enhanced through a greater distance between standards committees and complainants / subject members;
 - (d) greater capacity to meet the increased role and workload of standards committees under the local standards framework;
 - (e) efficient and effective use of resources through sharing of resources and pooling expertise;
 - (f) increased ability to promote high ethical standards through a raised profile of the standards committee;
 - (g) the ability to jointly commission and fund mediation, training and investigations; and
 - (h) the opportunity to create stronger support and advisory functions.

The guidance also acknowledges that some authorities may have their own reasons for forming a joint standards committee that are specific to their own circumstances and requirements.

6. The guidance also identifies some potential pitfalls or issues with having joint arrangements as follows:
- (a) the possibility that it could become an overly bureaucratic and more complex process, leading to a lack of clarity for the general public;
 - (b) member resistance to joint standards committees;
 - (c) differing resources implications for authorities within the same working arrangement; and
 - (d) loss of local ownership of standards and ethical issues.

7. The guidance identified three model structures for joint standards committees which the SfE thinks offer the most practical way of operating joint arrangements:
- (a) Model A was a joint committee for the assessment and review function;
 - (b) Model B was a joint committee for both the Model A functions and the hearings functions; and
 - (c) Model C was a joint committee to share all possible functions of a standards committee.

The Guidance also notes that an authority cannot assign functions to a joint committee only to deal with particular complaints as the functions assigned to any joint committee are applicable for all complaints received by the authority.

8. The Deputy Monitoring Officer had a meeting with the Monitoring Officer at ECDC on 13 August to discuss the initial views of the SCDC Standards Committee that it would be interested in looking in more depth at the potential for joint working. From experience of the process so far, the Deputy Monitoring Officer had identified the hearings stage of the process as the one where SCDC was most likely to encounter problems in finding committee members who were able to sit and where it may be useful to have a wider pool of committee members available to be part of a panel. ECDC agreed that this stage was potentially the hardest to manage within existing memberships, especially in relation to district council members of both committees and indicated this would be the area to focus on for any joint arrangements. Both officers agreed that the Monitoring Officer / Legal Adviser functions could also be shared on an ad hoc basis outside any formal joint working structure if necessary.

9. Regulation 14(2) of the Standards Committee (Further Provisions) (England) Regulations 2009 indicates that:

"A joint standards committee may exercise any function conferred by or under Part 3 of the Act or Part 1 of the 1989 Act".

However, the guidance advocates the use of one of three Joint Committee Model structures (A-C) that go beyond the perceived requirements of SCDC and ECDC. It was agreed to seek clarification following the meeting from the SfE on whether it was possible to establish joint arrangements just for the hearings stage of the process and no other stage, as this was not clear from the regulations and accompanying guidance. The Principal Lawyer at SfE has now responded to clarify that SCDC and ECDC could establish a joint committee to deal with hearings under regulation 18 only if we wished to do so.

10. The Deputy Monitoring Officer and ECDC Monitoring Officer also considered the issue of nominations to any Joint Committee. Regulation 14(5)(c) indicates:
- "section 53(4)(a) of the Act shall be treated as requiring at least one member from each authority establishing the joint standards committee to be a member of the joint standards committee".

This would mean at least one district councillor from SCDC and one from ECDC nominated to the Joint Committee. Advice was also sought from the SfE about whether this Regulation would require a District Member from each authority on every Hearings Panel that had been established by the Joint Committee. Obviously, this

would negate any benefit gained in situations where all the SCDC District Members were conflicted, and would diminish the value of joint working. The SfE has confirmed that a joint committee must have elected members from each authority on it but any hearing sub-committee it sets up does not need to have an elected member from both authorities on it.

11. Authorities which establish a joint standards committee must agree the terms of reference of the joint standards committee, which are to be sent to the SfE. The terms of reference must:
 - (a) identify the functions which are to be discharged by the joint standards committee;
 - (b) make provision for the administrative arrangements of the joint standards committee, such as the procedures for conducting meetings, a protocol setting out the role of each authority's monitoring officer and the financial arrangements adopted by the joint standards committee;
 - (c) specify for each authority involved in the joint standards committee the body which is to be regarded as the standards committee to which written allegations should be sent;
 - (d) specify the number of members to be appointed to the joint standards committee by the authorities establishing the committee and the terms of office of those members, and make provision for the appointment of members to sub-committees of the joint standards committee;
 - (e) specify the provisions, if any, which will apply regarding the payment of allowances for members of joint standards committees; and
 - (f) make provision for the procedures for an authority to withdraw from the joint standards committee

12. If the committee wishes to pursue joint arrangements then detailed terms of reference would be drafted and brought back to its next meeting. The Deputy Monitoring Officer and ECDC Monitoring Officer considered that the organisational basis for how a complaint would be dealt with could be based on which district the complaint concerned. Therefore if a complaint were about a SCDC district or parish councillor then the SCDC Monitoring Officer and Democratic Services Officer would process the administrative side of the complaint and SCDC would bear the cost of any hearing, and vice versa if it were a complaint about an ECDC district or parish councillor.

Considerations

13. The Standards Committee is being asked to make a decision about forming a joint standards committee with East Cambridgeshire District Council only for the function of hearings. If the Standards Committee does wish to enter into joint arrangements, and if the Standards Committee of East Cambridgeshire takes a similar decision when it meets on 9 September, a report can be drafted with the full details of the arrangements and brought back to the next committee before going to Full Council for decision.

Options

14. The Committee is asked to consider whether or not it would be inclined to enter into joint arrangements to discharge some or all of its functions. It is possible to set up joint arrangements for any or all of the process, or to decide to keep arrangements as they currently are and not enter into any joint arrangements.

Implications

15. Financial	There might be some administrative savings in choosing to discharge some functions via a joint standards committee. If the authority were to enter into joint arrangements, a further report would be produced, including a protocol for financial arrangements to be adopted by a joint committee, including defrayment of committee members' expenses.
Legal	None specific at this time. If the authority were to enter into joint arrangements, a further report would be produced, outlining options for the terms of reference for such a committee.
Staffing	None specific at this time. If the authority were to enter into joint arrangements, a further report would be produced, outlining provisions for administrative arrangements and a protocol for the role of the monitoring officer.
Risk Management	None specific at this time. If the authority were to enter into joint arrangements, a further report would be produced, including areas of potential risks and proposals for addressing such issues, along with the issue of indemnities for members.
Equal Opportunities	None specific.

Consultations

16. Officers have consulted with the monitoring officers of all neighbouring authorities in Cambridgeshire. So far, only ECDC has expressed an interest in establishing formal joint arrangements.

Effect on Strategic Aims

17.	Commitment to being a listening council, providing first class services accessible to all.
	The authority will have to decide whether or not the discharge of its functions relating to ethical standards would be best achieved through a local committee or a joint committee, and the impact this could have on ensuring that local focus and local knowledge are maintained.
	Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all.
	Nothing specific.
	Commitment to making South Cambridgeshire a place in which residents can feel proud to live.
	The Standards Committee has a responsibility to uphold high ethical standards in local government. Evidence from the Standards and Ethics category at the Local Government Chronicle Awards 2009 demonstrates that having a strong, visible standards committee can boost residents' satisfaction with their local authority and increase turnout at local elections.
	Commitment to assisting provision for local jobs for all.
	Nothing specific.
	Commitment to providing a voice for rural life.

As above, the authority will have to consider the impact a joint committee could have on ensuring that local knowledge be maintained.

Conclusions / Summary

18. The Committee is being asked to make a decision on whether it wishes to enter into joint arrangements for the discharge of its determination hearings function.

Recommendations

19. To indicate whether or not the Standards Committee is minded to enter into joint arrangements for the discharge of the hearings (determination) function.

Background Papers: the following background papers were used in the preparation of this report:

The Standards Committee (Further Provisions) (England) Regulations 2009 No. 1255
Explanatory Memorandum to the Standards Committee (Further Provisions)
(England) Regulations 2009 No 1255
Joint Standards Committee Guidance (SBE)

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