

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

14 September 2011

AUTHOR/S: Executive Director (Corporate Services) / Legal and Democratic Services Manager

ESTABLISHMENT OF STANDARDS COMMITTEE PANELS UNDER THE STANDARDS COMMITTEE (ENGLAND) REGULATIONS 2008

Purpose

1. To make appointments to the Standards Committee Local Assessment Panel, Hearings Panel and Review Panel for the 2011/12 civic year. These three bodies will meet following the 8 June 2011 Standards Committee meeting to elect their 2011/12 Chairmen. This is not a key decision.

Recommendations

2. That the Standards Committee re-appoint the 2010/11 panel memberships to continue as the Standards Committee Local Assessment Panel, Standards Committee Local Hearings Panel and Standards Committee Review Panel for 2011/12. The panel memberships are attached at **Appendix A**.
3. That the Standards Committee agree that all members of the Committee be eligible to serve on any of the panels as required, for example, if any of the appointed members were unable to participate due to a conflict of interest or were otherwise unavailable.

Reasons for Recommendations

4. In light of the forthcoming changes to the Standards regime, it is felt that to maintain the existing panel membership will best suit the Committee's ability to discharge its responsibilities as panel members have already had the relevant training for their roles. Extending the opportunity to serve on a panel to all members of the Committee ensures that quorate panels can be established.

Background

5. On 8 May 2008 the Standards Committee (England) Regulations 2008 ("the Regulations") transferred responsibility for assessment of allegations of misconduct from Standards for England (SfE) to local Standards Committees.
6. The Regulations specify that there must not be any overlap in membership of the Assessment and Review Panels, but members of the Assessment and Review Panel may serve on the Hearing Panel to consider or determine any matter, even if they have served previously during the assessment or review stages of that particular case.
7. Any legislative changes which arise during the municipal year will be considered by the Future of Standards Working Group and its recommendations will be reported to the Standards Committee. Extraordinary meetings could be convened if necessary to respond to consultation or to adopt new operating procedures.

Considerations

8. The Standards Committee currently has seventeen members, of whom only two are parish council representatives. All the allegations received in the past two years have concerned parish council members, and it is necessary to ensure that the workload is balanced between the two parish council representatives. The flexibility built into the second recommendation, enabling any other member of the Committee to serve on any panel, will allow equal sharing of assessment panel work if necessary, with the other parish council representative remaining available to serve on a review panel.

Options

Number of Panels? Fixed or Floating Panels?

9. The legislation provides that a Standards Committee may establish a separate Investigation Reports Panel to consider local investigation reports (consideration meetings) and Hearings Panel to determine allegations at a hearing (determination meetings). The Standards Committee has always chosen to have one panel to discharge both these functions.
10. As an alternative to having fixed panel membership, the Standards Committee could opt for floating panels in line with appointments procedure for sub-committees of the Licensing Committee (2003 Act) and:
- (a) appoint to the Standards Committee Local Assessment Panel, Standards Committee Review Panel and Standards Committee Hearings Panel all members of the Standards Committee, excepting any members who choose not to be so appointed, with all Independent Members to act as Chairmen of the Panels as required, subject to the Chairmen having received, or giving a commitment to undertake, the appropriate training required for the role; and
 - (b) authorise the Democratic Services Team Leader, in consultation with the Chairman of the Standards Committee and Monitoring Officer, to appoint three Standards Committee members to any Panel when it is required to meet, comprising an Independent Chairman from the pool agreed in (a) above and two members of the Standards Committee, dependent on availability and having regard to potential conflicts of interest and the requirements of the relevant legislation regarding participation of a parish council member for matters concerning parish councils.
11. If the Standards Committee is minded to change its appointments procedure for panel membership to three floating panels comprising all members of the Standards Committee, the three panels will not need to meet to elect their Chairmen following the meeting of the full Committee on 14 September 2011.
12. Officers recommend that the Standards Committee not make any changes at this time in light of the forthcoming changes to the Standards regime.

Implications

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| Financial | None specific. |
| Legal | The appointments must meet the legislative requirements that an independent member serve as Chairman of each panel, and that the membership of the assessment and review panels be different. |
| Staffing | None specific. |

Risk Management	Having a floating membership with appointments made based on expressions of willingness to serve, availability, training and lack of any known conflicts of interest before each and every case could create a delay in the initial assessment process beyond the National Indicator target of twenty working days.
Equality and Diversity	None specific
Equality Impact Assessment completed	No. Not relevant.
Climate Change	None specific.

Consultations, including consultation with Children and Young People

14. None.

Effect on Strategic Aims

15. Commitment to being a listening council: The Standards Committee understands the importance of a timely and fair assessment of an allegation of misconduct and demonstrates this through balanced appointments to panels, taking into consideration committee members' preferences, availability and training.
16. Commitment to making South Cambridgeshire a place in which residents feel proud to live: As above, it benefits the community to have a swift but balanced decision made about any allegations of misconduct.
17. Commitment to providing a voice for rural life: It is a legislative requirement that a Parish Council member of the Standards Committee be involved during any meetings concerning parish council matters, allowing the local knowledge and experience of the role of parish councillor to inform decisions.

Conclusions / Summary

18. A table is attached (**Appendix A**) showing the proposed panel membership.

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

Standards Committee (England) Regulations 2008
 Reports to Standards Committee on Panel Membership Appointments, June 2009
 and June 2010

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