

With the aim of assisting the Committee a summary of each of the questions follows.

1. DCLG propose that there is a requirement that a member who takes the initial decision on the assessment of an allegation should not also take part in the review of that decision. Such a Member would not however be necessarily be prohibited from taking part in a subsequent full hearing. There is likely also to be a requirement that each of these three stages is undertaken by a Subcommittee of the Standards Committee.

Would this be workable?

2. The consultation document recognises that an allegation may be made against a member who is a Member of more than one Authority (dual hatted members.) The question then arises as to which Standards Committee should deal with the issue and possible inconsistencies of approach. The suggestion is that this should be a matter for agreement between Standards Committees. DCLG incline to the view that they should not introduce a procedure for referral to the Standards Board in case of a failure to agree.

What are the Committee's views?

3. The question arises as to the time scale within which a Standards Committee should reach a decision as to how an allegation should be dealt with. The proposal is not to lay down a statutory time scale but to request the Standards Board to give guidance as to what would be reasonable, 20 working days is mentioned.

Is it agreed that this issue is more appropriate for guidance than for a statutory time limit.

4. The new Act provides that Standards Committees must "take reasonable steps" to give a written summary of the allegation to the person complained about but this is subject to the power of the Secretary of State to exempt a committee from this obligation in circumstances prescribed by Regulations.

The proposal is that where Standards Committees form a reasonable view that it would be in the public interest not to provide a written summary it would have the discretion to defer doing so and that there should be guidance on this from the Standards Board.

Possible grounds suggested are where disclosure of the allegation might result in evidence being compromised or destroyed or where there is a real possibility of intimidation.

The suggestion is that where provision of the summary is deferred, it should in due course be provided after sufficient investigation has been conducted and before the substantive hearing takes place.

What are the committee's views?

5. It is proposed to provide that where a Standards Committee has referred a matter to the Monitoring Officer for investigation, the Monitoring Officer may in certain circumstances refer it back to the Standards Committee;
- Where on investigation the case appears to be more serious or less serious than originally seemed apparent
 - Where further allegations arise
 - Where the Member subject to the allegation has resigned, is terminally ill or has died.

What are the committee's views?

6. It is proposed to increase the maximum sanction a Standards Committee can impose from 3 months to 6 months.

What are the Committee's views?

7. Would it be practicable for each of the sub committees discharging the various functions of assessment, review and hearings, to be chaired by an independent member? Would it be consistent with robust decision making if one or more of the subcommittee chairs were not independent.
8. It is proposed that the initial assessment allegations and any review of a committee's decision to take no action on those allegations should be exempt from the access to information rules, thus dealt with in private.

Do you agree?

9. The new act provides that the Standards Board may suspend a Standards Committee from the initial assessment of misconduct allegations. They suggest criteria for exercising this power as follows:
- A breakdown of the process for holding hearings
 - A disproportionate number of successful requests to review a Standards Committee decision to take no action
 - Repeated failure to complete investigations within reasonable time scales
 - Repeated failure to carry out other duties expeditiously, including repeated failures to comply with the proposed 20 working days deadline for making an initial assessment of an allegation
 - Failure to implement Standards Committee decisions or
 - Repeated failure to submit periodic returns to the Standards Board and a section 66B and information requests under section 66c

What are the committee's views?

10. The Act provides that where a Standards Committee has been suspended as previously described, its functions could be undertaken by another Standards Committee. The DCLG are consulting on the possibility of charging a fee to a

suspended Standards Committee where their functions are undertaken either by the Standards Board or another Standards Committee

The legislation does not provide for this at the moment but views are sought

Would the imposition of a charging regime be effective to support the operation of the new locally-based regime?

Should the level of any fee be left for the Board or the Authority providing the service to set or should it be prescribed by the Secretary of State, or set at a level that does no more than recover costs.

11. This relates to joint working. It is proposed to make provision for joint Standards Committees. The questions asked are

- Would you be interested in pursuing joint working arrangements with other Authorities
- Do you have experience of joint working with other Authorities and suggestions as to how it can be made to work effectively in practice
- Do you think there is a need to limit the geographical area to be covered by a particular joint agreement and, if so, how should a limitation be expressed
- Do you agree that if a matter relating to a Parish Council is discussed by a joint committee, the requirement for a Parish representative to be present should be satisfied if a representative from any Parish in the Joint Committee's area attends

12. There is a proposal to extend the range of sanctions available to the Adjudication Panel to include some less onerous sanctions already available to Standards Committees.

The range of sanctions proposed is as follows

- a) No sanction
- b) Censure
- c) Restriction for up to 12 months of the members access to premises and resources of the Authority
- d) Written apology
- e) Undertaking training
- f) Conciliation
- g) Suspension or part suspension for up to 12 months or until apology
- h) Suspension or part suspension for up to 12 months or until undertakes training
- i) Suspension or part suspension for up to 12 months or if shorter the remainder of the members term of office
- j) Disqualification from being or becoming a Member of any Authority for a maximum of 5 years

13. This refers to proposed regulation that an Ethical Standards Officer could withdraw a reference to the Adjudication Panel in the following circumstances:

- a) New evidence that case less serious
- b) Penalty by another body for example imprisonment, or
- c) Not in the public interest for example Member accused diagnosed with a terminal illness

Does the Committee agree with this suggestion?

Are there any other situations where withdrawal might be appropriate?

14. Dispensation to Councillors who have prejudicial interests

Standards Committees have the power to grant dispensations. There has been criticism of the existing provisions and it is proposed to amend the regulations.

The Committee is asked

- a) Have you made decisions under the existing dispensation regulations [the Committee has not] or have you felt inhibited from doing so?
- b) Do the concerns we have indicated on the current effect of these rules adequately reflect your views or are there any further concerns you have on the way they operate
- c) Are you content with our proposal to provide that dispensation may be granted in respect of a Committee or the Full Council if the effect otherwise would be that a political party either lost the majority which it had previously held or gained a majority it did not previously hold

15. Exemptions from the political restriction of certain posts

Under the Act, Standards Committees will deal with these matters, previously it was a national adjudicator. However some Authorities are subject to the rules about politically restricted posts but are not obliged to have Standards Committees, Waste Authorities being an example. The question is whether these Authorities should be required to have a Standards Committee so that there is a method of dealing with exemption from the restrictions or whether they can be left to come to an agreement with an Authority which does have a Standards Committee;

16. Implementation Date

Proposal is that implementation would be on the 1 April 2008 "at the earliest."

What are the Committee's views?