

**Title of Report :**       **ORDERS AND REGULATIONS RELATING TO THE  
CONDUCT OF LOCAL AUTHORITY MEMBERS IN  
ENGLAND – PUBLISHED REGULATIONS**

**Report of :**               **Head of Legal and Democratic Services**

**To :**                       **Standards Committee**

**Date :**                   **24<sup>th</sup> April 2008**

**Item No :**

**Purpose of report :** To advise the Committee of the content of the Standards Committee (England) Regulations 2008

**Recommendation(s) :** The Committee is asked:-

(a) to note the summary of the new Regulations;

(b) to agree the proposed arrangements for seeking and appointing a second parish council representative;

(c) to agree the proposals for formation of sub-committees;

to note that local hearings procedures based upon the new Regulations and expected Standards Board guidance will be presented to the Committee on 6<sup>th</sup> June;

(e) to note that the Committee's powers and duties need to be adjusted as a result of the new Regulations, that Annual Council will be asked to agree new powers and duties and that they will be included on the agenda for the Committee's next meeting on 6<sup>th</sup> June.

**Key decision :**               No

**Portfolio Holder :**       Not applicable

**Scrutiny Responsibility :** Not applicable

**Ward(s) affected :**       All

**Report Approved by :**   Legal : Jeremy Thomas  
Finance : Andy Collett

**Policy Framework :**       Not applicable

1. The Regulations to introduce the locally based ethical conduct regime have now been made. They are called The Standards Committee (England) Regulations 2008. They come into force on Thursday 8<sup>th</sup> May 2008. The Regulations are attached to this report.

2. This report sets out (briefly because of the limited time available) the key features of the Regulations, and what decisions the Committee needs to reach at this stage. The Standards Board for England will be issuing some “toolkit guidance on the assessment of allegations” by the end of the week. If available by the date of the Committee, we will circulate the guidance. Further Standards Board guidance will be issued in May.

3. The key elements of the Regulations of which the Committee and Council need to be aware are as follows:-

- (a) Membership (Regulation 4) – at least 25% of members of a Standards Committee must be independent members. Only one elected member of a Standards Committee may be a member of the Council’s Executive (in our case the Executive Board). At least two members must be parish members of parishes for which the Council is responsible.

**So, we need to seek and appoint a further parish member. We can, by the Regulations, adopt such procedures as we want to appoint parish and independent members. I suggest we use the most expeditious means possible and that, once a second parish member is identified, we seek agreement to that member serving on the Standards Committee from at least half of our parish councils.**

- (b) Appointments (Regulation 5(4)) – the Committee may appoint an independent member of another Council’s Standards Committee to assist in dealing with a particular allegation.

This Regulation is for noting by the Committee.

- (c) Sub-Committees (Regulation 6) – Sub-Committees must be chaired by an independent member.

This Regulation is for noting by the Committee.

- (d) Quorum (Regulation 7) – a meeting of a Standards Committee or a sub-committee of the Standards Committee is quorate if at least three members of the meeting are present.

This Regulation is for noting by the Committee.

- (e) Initial Assessment (Regulation 6) –initial assessment of allegations of breach of the Code, and review of a decision to take no action after

initial assessments must be dealt with by differently constituted sub-committees.

**I suggest we deal with this by the Committee deciding that any combination of three members of the Committee (provided that at least one of them is an independent member and at least one is an elected member of the authority and that one of them is a parish council member if an alleged breach by a parish member is being considered) constitute a sub-committee for the purpose of the Regulations.**

- (f) Access to Information (Regulation 8) – the access to information rules apply to Standards Committees and their sub-committees except for the sub-committee carrying out an initial assessment or reviewing an initial assessment. The rules do not apply to them. However, a summary of the considerations of those sub-committees must be produced. The name of the member who was the subject of the allegation may be given in the summary unless a disclosure “is not in the public interest or would prejudice any investigation”.

A copy of the agenda for Standards Committee and sub-committee meetings must be given to each parish council.

This Regulation is for noting by the Committee.

- (g) Procedures relating to allegations (Regulations 10-20) – these Regulations set out the detailed procedure as to the conduct of hearings into “accepted allegations”. I understand that the Standards Board for England will be issuing guidance on local hearings.

**We will submit the local hearings procedure under the new Regulations to the Committee’s next meeting on 6<sup>th</sup> June.**

- (h) Appeals (Regulations 21-25) – these Regulations relate to the appeal of a Standards Committee decision to the Adjudication Panel.

These Regulations need not bother the Committee at this stage.

4. The coming into force of the new Regulations on 8<sup>th</sup> May mean that there is a need to adjust the Committee’s powers and duties. We will submit revised powers and duties to the Annual Meeting of Council on 15<sup>th</sup> May and include them with the agenda for the Committee’s next meeting on 6<sup>th</sup> June.

**Name and contact details of author:-**

William Reed  
Democratic Services Manager  
Town Hall Oxford OX1 4EY  
Tel: 01865 252230 e-mail: [wreed@oxford.gov.uk](mailto:wreed@oxford.gov.uk)

