

THE CHANGING ROLE OF STANDARDS COMMITTEES

Introduction

My theme is the **subject** of 'change' – **change** which, in the **context** of the work of **Standards Committees** – is **bringing** about *not* a diminution but an **expansion and diversification of their role**.

The challenge of change

Many **eminent philosophers**, when **considering** the **subject** of 'change', have drawn on metaphors from **the natural world** – the **variegated hues** of the **changing seasons**, **changing weather**, **changing climates**. **Nearly 2000 years ago**, the **Roman Emperor** and stoic, **Marcus Aurelius**, observed that '**change is Nature's delight**'. **Closer to our own century**, **Victor Hugo**, advised "change **your leaves**, **keep** intact **your roots** – change **your opinions**, **keep** to **your principles**".

It is ironic that **change** – whether in the **natural, social or political environment** is one of the **constants** of our world. **The maxim** 'nothing endures but change' is as true **today** as when it was **penned** by philosopher **Heracitus** in the **5th century BC**.

Change also continues to have a **considerable psychological impact**. **To the fearful**, change is threatening **because it means that things may get worse**. **To the hopeful change is encouraging because things may get better** - but to the confident change is inspiring **because the challenge exists to make things better**. The recent **changes in local government supporting** the introduction of the ethical framework are to **build confidence in local democracy because this very same challenge exists – to make things better**.

To **embrace this change Standards Committees are have taken a new form, their members have adopted new responsibilities**. In their **enthusiasm for training, and interest in the role they will have in the adjudication and sanction of complaints**, the **Standards Board sees Standards Committee members eager to embark on their newly defined and vital role supporting the ethical framework**.

Standards Committees: A New Role

The impact of **the Local Government Act 2000 and the recent regulations has been to re-define and develop the role of Standards Committees**. The Act formally **endowed standards committees with five statutory functions**:

- **Advising** the authority on the **adoption or revision of its local code of conduct**

- **Monitoring the operation of the new code of conduct**
- **Advising and training members on the code**
- **Promoting and maintaining high standards of conduct for members; &**
- **Assisting members to observe the code of conduct.**

Under recent **regulations, Standards Committees** have also been given **responsibility for granting dispensations enabling members to participate in meetings they would not normally be able to attend because of a prejudicial interests.**

The Government's confidence in the role of Standards Committees is further reflected firstly in their de-fined role in complaint adjudication and sanction under the proposed s66 Regulations and secondly, in the wide range of functions endowed under their new terms of reference.

The s66 Regulations

Firstly, with regard to complaints of councillor misconduct - the Government intends that the introduction of the Standards Board and the re-definition of the roles of monitoring officers and Standards Committees results in a cohesive overall process for

investigation, in which both the **Standards Board** and **Standards Committees** play **integral and integrated roles**. The content of the **proposed s66 Regulations** has been the **subject** of **detailed discussion** by DTLR and the **Standards Board** – resulting in a **consultation paper**.

In **preview**, the **consultation paper** proposes that the **Standards Board** be the **body charged** with **receipt** of all **allegations** regarding member misconduct, including **referrals by local authorities** of any **potential breaches** which come to their attention, The **Standards Board** will have the **powers** to **investigate** all **allegations** referred to it and to **decide** which **cases** should be referred to local monitoring officers – either **before investigation**, **after partial investigation** or **the completion of an investigation** by an **Ethical Standards Officer**.

The **role** of monitoring officers under the **Regulations** will include conducting investigations on **cases referred to** them by the **Standards Board** in which an **ESO report** has not been completed. Monitoring officers will take on the **investigative role** performed by **Standards Committees** under the old arrangements. To undertake such a role it is proposed monitoring officers are granted **investigative powers** similar to those of an **ESO** but at a **local level**.

The **Government proposes that Standards Committees have the following role under the s66 Regulations: That -**

- Any **allegations received by a relevant authority that a member may have failed to comply with the authority's code should be referred to the Standards Committee.**
- The **Standards Committee shall keep a register of complaints, and shall notify the Standards Board of all complaints as they are received.**
- Any **reports from ESOs referred for local determination, and any reports prepared by Monitoring Officers following referral by the ESO, shall be considered by the Standards Committee.**
- The **Standards Committee should be free to decide its own practice and procedures, subject to any guidance issued by the Standards Board.**
- That **following consideration of representations and a monitoring officer's report of an investigation, the Standards Committee should have the power to decide:**
 - That there is **no evidence of any failure to comply with the Code;**
 - That a member has failed to comply with the **Code, but that no action needs to be taken; or that**
- That a member has failed to comply with **the Code** and should be **sanctioned, available sanctions being:**
 - **Censure;**
 - **Removal from any office, position or committee of the Council;**
 - **Suspension or partial suspension for a period of up to 6 months;**
 - **Suspension on condition (eg until making an apology or undertaking training);**

- **A member being required to make a public apology.**

It is also proposed that 'suspended' sanctions be available – sanctions coming only coming into effect in the event of further misconduct.

- **It is proposed a Standards Committee should be required to produce a report on the outcome of each case it determines, and after the expiry of the appeals process this report should be published.**

It is proposed that when determining complaints a Standards Committee should be chaired by the independent member and should comprise two or four other members selected by the chair.

In cases where the committee is considering a report into the conduct of a parish member, one of the two or two of the four other members should be a parish representative.

Terms of reference

The Standards Board has received approximately 300 Terms of Reference of Standards Committees, Many authorities have given their Standards Committees additional functions to those outlined in the Local Government Act 2000 such as:

Additional initiatives entrusted to Standards Committees include:

- A- Providing advice on authority's internal systems, policies and protocols such as:**

- Advising on **ethical aspects of the overall corporate governance;**
- **Developing and reviewing member/officer protocols;**
- **Designating posts within the authority as politically sensitive;**

B. Advising on the authority's constitutional arrangements, such as:

- **Monitoring the effectiveness of the new political management structures and authority's constitutional arrangements;**
- **Monitoring, reviewing and proposing amendments to the authority's Standing Orders;**

C. Audit and Review functions, such as:

- **Undertaking an ethical audit of the organisation;**
- **Monitoring the members' register of interests:**

D. Local complaints, investigations and adjudication functions, such as:

- **Investigating alleged breaches of the officers code of conduct;**
- **Considering findings made by the Ombudsman and authorising payments or other benefits in cases of maladministration;**

- Considering **complaints** in relation to the authority's **Customer care Procedure**;
- **Considering any report** from a **case tribunal**, and any other report from the monitoring **officer, which is referred by an ESO to the monitoring officer**;

Such functions endowed by the *terms of* reflect that **Standards Committees are regarded as a valuable resource capable of diverse and high level initiatives.**

Conclusion

Just as the anthropologist Margaret Mead said, “Never doubt that a small group of thoughtful committed people can change the world”, the thoughtful, and committed people who are the members of Standards Committees and supporters of their work should never doubt the value placed upon their role by the Government and nor the potential for their impact upon the world of their local democracy.

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