

Committee/ Panel	STANDARDS COMMITTEE	Date: 7 October 2010
Originating Service Group(s)	CUSTOMER AND SHARED SERVICES	
Contact Officer(s)/	S KEMBREY/F DAVIS	
Telephone Number(s)	4910/4932	
Title/Subject Matter	<u>MONITORING OFFICER'S REPORT</u>	

1.0 Recommendation

1.1 Standards Committee is requested:

- a) to note the contents of this report and indicate any areas in respect of which further information is requested
- b) refer the re-appointment of Mr W A Parker, Mr Aithal, Mr J Harris and Mr R C Tyler-Morris to Council.

MONITORING OFFICER'S REPORT

1.0 Background

- 1.1 The Joint Meeting of the Audit and Standards Committee held on 16 April 2007 agreed that the Standards Committee receive regular reports from the Monitoring Officer. This is the second such report for 2010/11.

2. Local Assessment

- 2.1 No complaints alleging that Members have failed to comply with the Members Code of Conduct have been received since the last meeting of the Standards Committee on 1 July 2010.

3.0 Publications

- 3.1 The latest SfE Bulletin Number 48 was issued in August 2010 and is available on the SfE website. A summary of its contents are set out below.

a) The Future of Standards for England and the Standards Framework

- (i) As yet, there are no clear details of the scope or implications of the Governments proposal to abolish the Standards regime. Details are expected to be included in the planned Decentralisation and Localism Bill which is due to be presented in late 2010, with Royal Assent anticipated between July and October 2011. This is likely to lead to final closure of SfE some time between 31 December 2011 and 31 March 2012. Updates will be included in later SfE Bulletins.
- (ii) In the light of the circumstances SfE have reviewed their business plan for this year and next. The organisations priorities are to fulfil their statutory duties, to support Local Authorities in maintaining high standards and to assist the Government in developing and implementing any new arrangements they may choose to put in place. In the meantime, the Local Standards Framework still exists and Standards Committees and Monitoring Officers have an obligation to keep the system operating.

b) An Update on Monitoring Returns

- (i) In June 2010 SfE advised all Monitoring Officers that the requirement to submit returns to SfE had been postponed. Following the review of the organisations business plan there will be no further requests for the submission of quarterly or annual returns and it is not anticipated these procedures will be re-established, unless a specific monitoring need arises.
- (ii) SfE will shortly be publishing an on-line report of the annual return information collected for 2009/10.

c) Acceptance of Complaints by Standards for England

- (i) SfE have reviewed the factors the organisation takes into account when assessing if it will accept cases referred by local Standards Committees, for investigation. Following the review no changes have been made to the factors or

criteria for acceptance of cases. However, when considering whether to accept cases SfE will have regard to the resources it has available and will take account of the relative importance of cases.

d) **Reappointment of Independent Members**

- (i) SfE recommend that independent Members serve no more than two terms of four years after which new Members should be recruited. Some authorities are concerned that given the current uncertainty regarding the future of the Standards Regime, it may be preferable to retain those who have been trained and understand their role rather than to try to recruit and appoint new members. In the light of the uncertain future of the Standards Framework SfE advise that, as long as the original appointment was carried out in accordance with all the correct legal requirements at the time (approved by full Council, after being openly advertised and having assessed the suitability of all the applicants) an authority can extend that term for a further period. This can only be done during the term of office of an existing independent Member and by approval from full Council. Once the independent Members term has expired the full recruitment procedures are to be followed.
- (ii) All independent Members of this Committee have been appointed in accordance with the statutory procedures. Mr Parker and Mr Aithal were appointed in 2002, Mr Harris and Mr Tyler-Morris in 2006 and Mr Lees and Professor Hurd in 2008. It is recommended the re-appointment of Mr Parker, Mr Aithal, Mr Harris and Mr Tyler-Morris be referred to Council.

4.0 **Legal Implications**

- 4.1 This report details work undertaken to comply with the ethical framework relating to Local Government and Part 3 of the Local Government Act 2000.
[FD/27092010/Z]

5.0 **Financial Implications**

- 5.1 The Council is required to provide the Monitoring Officer with sufficient resources to undertake her responsibilities. Provision is made within the revenue budget.
[DM/28092010/H]

6.0 **Equalities Implications**

- 6.1 The Members Code of Conduct contains specific obligations relating to equalities.

7.0 **Environmental Implications**

- 7.1 There are no direct environment implications arising from this report.