

THE ASSEMBLY

28 March 2012

Title:	Extension of term of two Independent Members of the Standards Committee		
Report of:	CHIEF EXECUTIVE		
Open	For Decision		
Wards Affected: None	Key Decision: No		
Report Author: Tasnim Shawkat Monitoring Officer	Contact Details: Tel: 020 8227 2114 E-mail: tasnim.shawkatt@lbbd.gov.uk		
Accountable Divisional Director: Tasnim Shawkat			
Accountable Director: Chief Executive			
Summary: The Council's arrangements for ethical governance and the standards regime will need to be changed under the Localism Act, which received Royal Assent on 15 November 2011. In the meantime a vacancy has arisen for an Independent Member of the Standards Committee, which should be filled under our Constitution. However, given the impending change, it is proposed that Assembly approve the extension of Mr Madden and Mr Sandiford's terms of office as Independent Members to 30 June 2012 or until such time as the new Standards regime is implemented.			
Recommendation(s) The Assembly is recommended to agree: 1. to waive paragraph 11.5 of Article 7 of the Council Constitution; and 2. to an extension to the term of office of Mr Kevin Madden and Mr Delbert Sandiford, Independent Members of the Standards Committee to 30 June 2012 or until such time as the new Standards regime is implemented.			
Reason(s) To enable the Standards Committee to continue to fulfil its current responsibilities in (i) promoting and maintaining high standards of conduct by Members, statutory co-opted members and employees, plus the independent members of the Standards Committee; and (ii) dealing with allegations of breaches of the Members' Code of Conduct, for which sub-committees will be appointed to discharge functions relating thereto.			

1. Introduction and Background

- 1.1 The Decentralisation and Localism Bill, which proposed the abolition of Standards for England and for local authorities to manage their governance issues under local arrangements received Royal Assent on 15 November 2011 and is now an Act of Parliament, the Localism Act 2011 (the Act).
- 1.2 The Government initially indicated that 1 April 2012 would be the implementation date of those parts of the Act affecting the future standards regime, subject to a two month transitional period for resolving all outstanding complaints under the old regime. The implementation date has been extended to 1 July 2012.

2. Proposal and Issues

- 2.1 The Council's Standards Committee currently has a vacancy for an Independent Member. The Assembly agreed on 23 February 2011 that it should remain vacant and be reconsidered when the future of the Standards regime is more certain. The term of office of Independent Members, Mr Kevin Madden and Mr Delbert Sandiford, will expire on 13 May 2012 and their departure will reduce the number of Independent Members on the Standards Committee to two.
- 2.2 A minimum of four Independent Members is required to enable the Standards Committee to fulfil its current responsibilities in undertaking initial assessments, reviews of assessment decisions and determination of complaints.
- 2.3 Article 7 of the Council's Constitution at paragraph 11.5 states:

"Independent members are appointed for a period of not more than four years and cannot be re-appointed to the Standards Committee until the expiry of at least two years."
- 2.4 Any complaints against Members of the Council received between now and the 1 July 2012 would be required to be completed under current arrangements.
- 2.5 Due to these exceptional circumstances, it is proposed that Assembly agree to waive paragraph 11.5 as referred to above and approve the extension of Mr Madden and Mr Sandiford's terms of office to 30 June 2012 or until such time as the new Standards regime is implemented.

3. Options Appraisal

- 3.1 The quorum for each Standards Sub-Committee is three, two of whom must be Independent Members. Current legislation requires that Sub-Committees appointed to deal with an initial assessment of a complaint and a review of that assessment must not have the same membership. Thus at least four Independent Members are required to be in post in order to deal with the complaints process.
- 3.2 One option would be to allow Mr Madden and Mr Sandiford's terms of office to expire on 13 May 2012. However, as any complaints against Members of the Council received between now and the implementation of the new regime would be required to be completed under current arrangements, this option would prevent the Standards Committee from fulfilling its role in dealing with allegations of breaches of

the Members' Code of Conduct.

- 3.3 Another alternative would be to advertise and recruit two new Independent Members. However, this would be inefficient as time and resources would be spent in recruiting Independent Members and training them during a period of change and transition. Any new Independent Member appointed under the current standards regime would not be able to continue under the new standards regime.

4. Consultation

- 4.1 n/a

5. Financial Implications

Implications completed by: David Abbott, Principal Accountant
Telephone and email: 020 8227 2261 – david.abbott@lbbd.gov.uk

- 5.1 There are no new financial implications or incremental costs associated with this report, i.e. prior to the new standards regime being implemented; the extension of terms will continue to be funded from within the current Democratic Services budget.

6. Legal Implications

Implications completed by: Fiona Taylor, Legal Group Manager and Deputy Monitoring Officer
Telephone and email: 020 8227 3995 fiona.taylor@lbbd.gov.uk

- 6.1 Legal implications are included in the report.

7. Other Implications

7.1 Risk Management

The Standards Committee is responsible for:

- (i) promoting and maintaining high standards of conduct by Members, statutory co-opted members and employees, plus the independent members of the Standards Committee; and
- (ii) dealing with allegations of breaches of the Members' Code of Conduct, for which sub-committees will be appointed to discharge functions relating thereto.

If it is unable to fulfil its role, it risks bringing the Council into disrepute.

7.2 Contractual Issues – n/a

7.3 Staffing Issues – n/a

7.4 Customer Impact – n/a

7.5 **Safeguarding Children – n/a**

7.6 **Health Issues – n/a**

7.7 **Crime and Disorder Issues – n/a**

7.8 **Property / Asset Issues – n/a**

Background Papers Used in the Preparation of the Report:

Minutes of the Assembly Meeting of 23 February 2011

Decentralisation and Localism Bill

The Localism Act 2011

The Council Constitution