

EAST HERTS COUNCIL

STANDARDS COMMITTEE – 21 NOVEMBER 2007

REPORT BY THE MONITORING OFFICER

5. LOCAL FILTERING

WARD(S) AFFECTED: ALL

'D' RECOMMENDATION - that (A) the report be received, and

(B) the Monitoring Officer be authorised to enter into joint arrangements with the Standard Committees of neighbouring authorities to cover the issue of appeals as detailed in the report now submitted.

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1.0 Purpose/Summary of Report

1.1 To set out the proposals for changes in the way standards complaints are considered.

2.0 Contribution to the Council's Corporate Priorities/Objectives

2.1 Fit for purpose, services fit for you.

*Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.*

3.0 Background

3.1 New arrangements are being developed for dealing with standards issues.

4.0 Report

The key changes to the framework are:

- Standards committees will be responsible for receiving allegations and deciding whether any action needs to be taken (commonly referred to as the 'local filter').

- Standards committees must be chaired by an independent member.
- Standards committees will report periodically to the Standards Board.
- Standards committees will be allowed to enter into joint working arrangements with other standards committees.
- The Standards Board will be responsible for monitoring and ensuring the effectiveness of local arrangements, including supporting authorities which are experiencing difficulties and driving up their performance.
- Regulations need to be drafted to prescribe how some of these provisions will work in practice, not least the local filter and monitoring arrangements. The local filter is on course to come into effect in April 2008 and the Standards Board is conscious of the need to have the legislation and our guidance in place before then.

## 5.0 **Pilots**

5.1 In preparation for the new arrangements, the Standards Board asked authorities to provide feedback on the following proposals:

- Operating the local filter system for complaints.
- Joint working arrangements for Standards Committees.
- Developing the Standards Board's monitoring and auditing role.

5.2 Thirty eight authorities took part in the local filter pilot, while seven groups – comprising up to 47 authorities – were consulted on the joint working pilot.

5.3 The local filter and joint working pilots took place between May and September 2007 and the findings will be published later this year.

5.4 Twenty authorities are due to complete the third pilot, relating to the monitoring and audit role of the Standards Board, later this year.

5.5 The findings will provide information on the practicalities of these proposals and help inform the Standards Board's guidance to local authorities.

## 6.0 Standards Board guidance

6.1 To support local authorities, the Standards Board will be producing a range of comprehensive guidance on the framework for local authorities.

6.2 Although the Standards Board is currently preparing this guidance based on what they anticipate the regulations will contain, they need the final regulations to be in place before they can finish and publish it. The Standards Board needs to have the details to make sure the guidance is correct, and so give Standards Committees the certainty they need in preparing effectively for their new roles.

6.3 The government is trying to have the regulations in place as soon as possible. The published guidance will focus on five areas:

- the role and make-up of Standards Committees
- the local filter and how it will operate
- local investigations
- local determinations
- monitoring and audit arrangements

6.4 The complaints will be received by the Council, rather than the Standards Board. This is a new function for the Committee. It will decide whether there is an apparent breach of the code and whether it should be investigated. There will be criteria for these decisions. There will be an appeal mechanism which could be to another Sub-Committee of the Standards Committee or to the Committee of another authority. This possibility is now being explored. This will require additional meetings.

6.4 The Committee will have to make statistical returns to the Standards Board.

6.5 The Board will monitor the progress of the Committee.

## 7.0 Consultation

7.1 There has been no consultation.

## 8.0 Legal Implications

8.1 The Council's Standards Committee will need to operate within the terms of the regulations and guidance.

## 9.0 Financial Implications

9.1 The additional work created may have financial implications. The additional work load could have an impact in respect of the cost of additional investigations. Currently, these are produced in-house. This may no longer be possible. There are reciprocal arrangements in place with other local authorities. The use of these arrangements would have cost implications.

## 10.0 Human Resource Implications

10.1 Monitoring officer functions and committee support will be provided within existing resources.

## 11.0 Risk Management Implications

11.1 A large number of complaints would have an adverse effect on existing resources.

## Background Papers

None

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