

**Committee:** STANDARDS COMMITTEE

**Agenda Item**

**Date:** 21 September 2009

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**Title:** PARTNERSHIP WORKING

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Item for decision

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## Summary

1. This report is to inform members of the options surrounding partnership working following the enactment of the Standards Committee (Further Provisions) (England) Regulations 2009 which came into force on the 15 June 2009.

## Recommendations

2. That members determine whether they wish officers to take any steps towards joint working with other authorities over and above those already being taken.

## Background Papers

3. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
  - Standards Committee (Further Provisions) (England) Regulations 2009.

## Impact

- 4.

Communication/Consultation	As an authority responsible for town and parish councils the views of those bodies should be sought if members wish to proceed with formalised joint working.
Community Safety	None.
Equalities	None.
Finance	If as a result of joint working there were to be a reduction in the number of members of the Standards Committee this would produce a very modest financial saving. However, this authority has no budget for its Standards Committee. It may be that a joint committee would need a financial contribution from this Council which will

	outweigh any savings which may be attainable.
Human Rights	None.
Legal implications	None.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	Legally each authority must appoint one of its officers to be its monitoring officer. It is not possible to appoint an officer from another authority to that role. Consequently, two or more authorities could not conveniently share a monitoring officer.

## Situation

5. The Standards Committee (Further Provisions) (England) Regulations contain provisions enabling two or more local authorities to establish a joint Standards Committee. Some or all of the functions conferred upon Standards Committees by legislation (and in particular by part 3 of the Local Government Act 2000 and part 1 of the Local Government and Housing Act 1989) may be delegated to the joint committee. If some but not all of the functions are delegated to the joint committee, then the member authorities would need to retain their own standards committees to deal with the other functions but those standards committees could not deal with any matters which had been delegated. If all the functions of standards committees are delegated to the joint committee then there is no need for a separate committee within each authority.
6. With regard to membership of the joint committee, it must contain at least one elected member from each authority. Independent members may be appointed jointly or separately by the member authorities and there is a requirement that a representative of a town or parish council from any of the member authorities must be present when town or parish business is being discussed.
7. A joint Standards Committee is not quorate unless chaired by an independent member and unless at least one elected member of each of the member authorities is present.
8. Unfortunately regulations are not provided for the co-option of members of other authorities (elected or independent) for particular purposes as was mooted in the consultation process. Further there is no power for a Standards Committee to delegate a hearing to the Standards Committee of

another authority. Therefore there would appear to be no opportunity for collaborative working between standards committees.

9. At officer level, there can however be a degree of co-operation. The Essex Legal Services Partnership of which Uttlesford is a member comprises most of the monitoring officers for the districts within Essex. The group is forming a special interests group to consider standards issues and I will be an active member of that group.
10. In addition, through the partnership services are traded to enable the appointment of officers from other authorities to carry out investigations on behalf of colleagues. This arrangement was previously in place on an ad hoc basis but has now been formalised with an agreed charging rate of £75 per hour in respect of time spent on investigations.

### Risk Analysis

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Risk	Likelihood	Impact	Mitigating actions
The committee is unable to effectively perform the functions of a Standards Committee.	1, the composition of the committee is such that it should be possible to cope easily with temporary absences, conflicts of interest etc.	3, if the situation did arise where the committee could not perform its duties there would be a risk of intervention from the Standards Board for England and the Council would suffer financial and reputational damage.	In the event that a member of the Standards Committee becomes unable to act for any reason the Council should move swiftly to secure an appropriate replacement appointment.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.