

**Local Government & Public Involvement in Health Bill –
Part 9: Ethical Standards - Summary**

The following information is extracted from the explanatory notes to the bill and provides a summary of Part 9 of the bill which makes amendments to the Local Government Act 2000

Issue	Summary
Conduct that may be covered by the Code	<p>The Local Government Act 2000 will be amended to make clear that the Code of Conduct does not have to be limited only to members' conduct in their official capacity. It may include actions taken by members when acting in a private capacity. This is the government's response to the Collins judgement in respect of the Livingstone appeal.</p>
Assessment of allegations	<p>This provision will enable individual local standards committees of authorities to undertake the role currently exercised by the Standards Board for England of conducting the initial assessment of allegations of misconduct which relate to one of their members or co-opted members.</p> <p>It sets out the courses of action open to a standards committee where such an allegation is received. The options are either to refer the allegation to the authority's monitoring officer for consideration; to refer the allegation to the Standards Board; or to take no action in respect of the complaint.</p> <p>It also provides that a standards committee has discretion, where the subject of the allegation is no longer a member or co-opted member of the authority in question and has moved to another relevant authority, to refer the allegation to the monitoring officer of the member's current local authority.</p> <p>The clause requires that, if a standards committee decides to take no action over an allegation, it should write to the person who made the allegation informing them of the decision and the reasons for this.</p> <p>The Standards Board will be able to issue guidance and give directions to a standards committee with respect to the exercise of these procedures.</p> <p>Where a standards committee of an authority has made a decision that no action should be taken regarding an allegation, the person who made the allegation will be able to ask the standards committee to review its decision. The request for review must be made within 30 days of the date of the notice of the original decision. Following receipt of such a request, the standards committee must undertake a new assessment of the allegation within 3 months.</p> <p>The Standards Board will be able to direct that a standards committee's power to undertake initial assessments of misconduct allegations should be suspended, and to direct that any allegations the standards committee receives must be referred either to the Standards Board or to a specified standards committee of another</p>

	<p>authority. The Secretary of State will make regulations governing the circumstances in which the Standards Board can exercise this power.</p> <p>A standards committee will be able to refer a complaint to the Standards Board for it to investigate. The Standards Board can either refer the allegation to an ethical standards officer of the Board, or decide that no action should be taken, or refer the matter back to the relevant local standards committee. Where it decides to take no action, it should write to the person making the allegation of the decision and the reasons for the decision.</p>
Information to be provided to the Standards Board by a relevant authority	Standards Committees will be required to furnish the Standards Board with periodic information on the allegations of misconduct it has received, any requests received to review its decisions to take no action in respect of allegations, and the exercise of any functions by the standards committee or the monitoring officer. The authority must comply with the request for information by such date as the Standards Board may specify.
Chairmen of standards committee	Section 53(4) of the Local Government Act 2000 will be amended to provide that standards committees of authorities should be chaired by a person who is neither a member nor an officer of a relevant authority.
Sub-committees of standards committees	A standards committee will be able to appoint a sub-committee to undertake any of its functions, including any functions concerning parishes.
Joint committees of relevant authorities in England	The Secretary of State will be empowered to make regulations under which two or more relevant authorities may establish a joint committee and arrange for functions otherwise exercisable by their standards committees to be exercisable by the joint committee.
Standards Board for England functions	The Standards Board will be able to issue guidance to ethical standards officers with respect to how they exercise their functions, and take action to facilitate the functions of standards committees or monitoring officers.
Ethical Standards Officers: reports etc	A report produced by an ethical standards officer on the outcome of his investigation can be passed to the relevant standards committee in order to assist it in carrying out its functions.
Disclosure by monitoring officers of ethical standards officers' reports	A monitoring officer will be allowed to inform any member or officer of an authority of the outcome of an ethical standards officer's investigation into an allegation, and also to furnish them with a copy of the report or any part of it where this will help to promote high standards of conduct by members and co-opted members of the authority.

Matters referred to monitoring officers	In certain circumstances, a monitoring officer will be able to refer back cases referred to him by a standards committee. Regulations will also be made with regard to access to and disclosure of information.
References to Adjudication Panel in respect of misconduct	Regulations will be issued in respect of the referral by standards committees of a case to the Adjudication Panel where it considers the sanction available to it would be insufficient. The Adjudication Panel's members will then decide what sanction, if any, should be imposed against the person.
Consultation with ombudsmen	The Local Government Ombudsman may consult a standards committee (as well as the Standards Board) about a case if he believes that the complaint he is considering relates partly to a matter which may be of concern to the committee.
Case tribunals: England	The Secretary of State will make regulations concerning the sanctions which a case tribunal can impose. This will allow them to be given the lower level sanctions currently available only to standards committees.