

Legal Services

Borough Solicitor: Paul Froggatt

DRAFT

Mr William Tandoh
Department for Communities
And Local Government
Local Democracy and Empowerment Directorate
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Our Ref: Legal/PF/bad
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Dear Mr Tandoh

**re: Audit and Regulations relating to the Conduct of
Local Authorities' Members in England**

I am writing on behalf of my Council in response to the Consultation Paper.

Following your numbered questions:

1. We agree with your proposals and would like to think that they are sufficient to avoid allegations of bias or conflicts of interest. We suspect, however, that it will sometimes be difficult for a Committee to sieve complaints without some detailed consideration of the case. If the same Members are rehearing the same evidence, the Member against whom the complaint has been made might well feel unfairly prejudiced. Creating three sub-committees with no overlapping membership would be an unwelcome complication although two sub-committees for the purpose and review would be manageable.
2. Yes to both questions.
3. Yes.
4. We agree with the circumstances in which a summary could be withheld and cannot think of any case in which these should be extended.

In practice this may give rise to difficult practical and legal issues and clear guidance from the Standards Board for England around this issue would be welcome.

5. Yes.

6. Yes.
7. We believe that the chairs of all sub-committees should be independent.
8. Yes.
9. Yes – there are no other criteria which we think should be taken into account.
10. Yes. A prescribed set of fees from the Secretary of State will be our marginal preference.
11. Depending on the number of complaints received we would consider joint working arrangements with other authorities as we have done in other areas of work with varying degrees of success. We do not necessarily see that the joint working needs to be geographically limited, though of course it could be practical issues if the distance between authorities was great. We have no parish councils.
12. Yes.
13. Yes.
14. We have made no decisions under the existing dispensation regulation. We agree with your proposal.
15. The Council has no views on this question.
16. We believe that implementation should be deferred until the beginning of the municipal year.

Yours sincerely

Borough Solicitor