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STATUTORY INSTRUMENTS

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**2008 No. 1085**

**The Standards Committee (England) Regulations 2008**

**PART 2**

**CONSTITUTION AND GENERAL PROCEEDINGS OF  
STANDARDS COMMITTEES AND SUB-COMMITTEES**

**Interpretation of Part 2**

**3.** In this Part “authority”, except where the context otherwise requires, means a relevant authority in England other than a parish council.

**Composition of standards committees**

**4.—(1)** An authority must ensure that—

- (a) at least 25% of the members of its standards committee are independent members; and
- (b) where it is operating executive arrangements under Part 2 of the Act, only one member of its standards committee is a member of the executive.

(2) Where an authority is a responsible authority, it must ensure that at least two members of the standards committee are members of parish councils for which it is responsible, who are not also members of the responsible authority.

**Appointments to standards committees**

**5.—(1)** Subject to the following provisions of this regulation, a person may only be appointed as an independent member of a standards committee if the appointment is—

- (a) approved by a majority of the members of the authority;
- (b) advertised in one or more newspapers circulating in the area of the authority, and in such other publications or websites as the authority considers appropriate;
- (c) of a person who submitted an application to the authority.

(2) But a person may not be appointed as an independent member of a standards committee if that person—

- (a) has within the period of five years immediately preceding the date of the appointment been a member or officer of the authority; or
- (b) is a relative or close friend of a member or officer of the authority.

(3) A person who is an independent member of the standards committee of a different relevant authority, may be appointed as an independent member of the standards committee of an authority unless that person—

- (a) has within the period of five years immediately preceding the date of the appointment been a member or officer of that authority; or
- (b) is a relative or close friend of a member or officer of that authority.

(4) An independent member appointed under paragraph (3) may, as an alternative to being appointed for a specified period of time, be appointed in relation to a particular allegation, or set of allegations against a member, co-opted member, former member, or former co-opted member, and the term of office of an independent member so appointed shall be fixed accordingly.

(5) Subject to paragraph (7), an authority may adopt such procedures as it thinks fit for the appointment to the standards committee of—

- (a) independent members under paragraph (3) of this regulation; and
- (b) members of parish councils.

(6) Any person appointed as an independent member of a standards committee of an authority under this regulation who becomes—

- (a) a member or officer of an authority; or
  - (b) a relative of a member or officer of that authority,
- shall cease to be a member of the standards committee.

(7) An authority must have regard to any relevant guidance issued by the Standards Board in making appointments under this regulation.

#### **Sub-committees of standards committees**

6.—(1) The standards committee of an authority shall, under section 54A of the Act—

- (a) appoint sub-committees, each of which must be chaired by an independent member, to discharge any function specified in section 57A of the Act; and
- (b) appoint sub-committees, each of which must be chaired by an independent member, to discharge any function specified in section 57B of the Act.

(2) If the standards committee of an authority appoints sub-committees to discharge functions under regulations 17 to 20 of these Regulations, those sub-committees must be chaired by an independent member.

#### **Validity of proceedings**

7.—(1) A meeting of a standards committee, or sub-committee of a standards committee, shall not be quorate unless at least three members of that committee or sub-committee are present for its duration.

(2) Where a meeting of a sub-committee of a standards committee is convened to consider a request under section 57B(2) of the Act, no decision on that request may be taken by the sub-committee if any member of that sub-committee is present who took part in the decision under section 57A(2) of the Act to which that request relates.

(3) Where a meeting of a standards committee, or sub-committee of a standards committee of an authority is convened to discharge any function specified—

- (a) in sections 57A or 57B of the Act; or
- (b) in regulation 17 to 20 of these Regulations,

no decision may be taken unless at least one member of that authority is present when such matters are being considered.

(4) Where a meeting of a standards committee, or sub-committee of a standards committee, is convened to discharge any function specified—

- (a) in sections 57A or 57B of the Act; or
- (b) in regulation 17 to 20 of these Regulations,

relating to a member or former member of a parish council, no decision may be taken unless at least one member of a parish council for which the authority is the responsible authority, who is not also a member of that responsible authority, is present when such matters are being considered.

### **Application of the Local Government Act 1972**

**8.—(1)** Subject to paragraphs (2), (3), (5) and (6), Part 5A of the 1972 Act<sup>(1)</sup> shall apply in relation to meetings of a standards committee, or sub-committee of a standards committee, of an authority as it applies to meetings of a principal council in England.

(2) Sections 100E, 100G, 100J and 100K of that Part shall not apply.

(3) Where, by virtue of paragraph (1), a responsible authority must act in accordance with section 100A(6)(a), 100B(1) or 100C(1) of the 1972 Act it shall also give to every parish council for which it is responsible—

- (a) written notice of the time and place of the meeting at least five clear days before that meeting or, if the meeting is convened at shorter notice, then at the time that it is convened;
- (b) a copy of the agenda for the meeting and a copy of any report for the meeting at least five clear days before the meeting, except that—
  - (i) where the meeting is convened at shorter notice, the copies of the agenda and any report shall be given to the parish council at the time the meeting is convened; and
  - (ii) where an item is added to an agenda, of which a copy has been given to a parish council, a copy of the item (or of the revised agenda), and of any report to be presented at the meeting relating to the item shall be given to the parish council at the time the item is added to the agenda; and
- (c) a copy of the minutes excluding so much of the minutes of proceedings during which the meeting was not open to the public under section 100A(2) or (4) of the 1972 Act, or where applicable, a copy of a summary made under section 100C(2) of that Act.

(4) Nothing in paragraph (3)(b) requires copies of any agenda item or report to be given to the parish council until copies are available to members of the responsible authority.

- (a) (5) (a) Where a meeting of a sub-committee of a standards committee is convened to consider an allegation received under section 57A(1) of the Act or to review a decision under section 57B of the Act, the following provisions of this paragraph shall apply, and the provisions of Part 5A of the 1972 Act shall not apply.
- (b) The sub-committee shall produce a summary in writing of its consideration of the allegation or review of the decision.
- (c) The written summary—
  - (i) must record the main points considered, its conclusion as regards the allegation or review of the decision and the reasons for that conclusion;
  - (ii) must be prepared having regard to any relevant guidance issued by the Standards Board;
  - (iii) may give the name of any member, co-opted member, former member or former co-opted member, who was the subject of the allegation, unless such disclosure is not in the public interest or would prejudice any investigation;
  - (iv) must be made available for inspection by members of the public at the offices of the authority for a period of six years beginning with the date of the meeting; and
  - (v) must be given to any parish council of which any person who is the subject of an allegation referred to in the written summary is a member;

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(1) Part 5A was inserted by the Local Government (Access to Information) Act 1985 (c. 43).

but nothing in this sub-paragraph requires the written summary to be open to inspection or given to any parish council until the person who is the subject of the allegation has been given a written summary under section 57C(2) of the Act.

(6) Where a meeting of a standards committee, or sub-committee of a standards committee, is convened to consider a matter under regulations 13 or 16 to 20 of these Regulations, or referred under section 58(1)(c) of Act, the provisions of Parts 1 to 3 of Schedule 12A to the 1972 Act shall apply as if, after paragraph 7 of that Schedule, the following descriptions of exempt information were inserted—

**“7A.** Information which is subject to any obligation of confidentiality.

**7B.** Information which relates in any way to matters concerning national security.

**7C.** Information presented to a standards committee, or to a sub-committee of a standards committee, set up to consider any matter under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008, or referred under section 58(1)(c) of the Local Government Act 2000.”.