



**the
Standards Board
for England**

Local Authority Waste Funding and Governance
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Dear Sir/Madam

Joint Waste Authorities – Consultation Response

Thank you for allowing the Standards Board for England (the Standards Board) the opportunity to comment on DEFRA's proposals for joint waste authorities in England.

The Standards Board provides an independent, national overview of how local authorities promote, maintain and improve the standards of conduct of their members. We assist local authorities in this work by providing support and guidance where necessary, as well as investigating cases which it is inappropriate for authorities to deal with themselves. We are a non-departmental public body, set up by an Act of Parliament.

The following is the Standards Board's response to a number of issues that the proposals raise. In particular we wish to focus on the standards framework of joint waste authorities and question 12.

Question 12 – do you agree with the proposal to align the ethical regime of joint waste authorities with that of other local authorities and similar bodies as indicated?

The proposal set out in paragraph 63 appears to recommend against alignment of the ethical regime of joint waste authorities (JWAs) with that of other local authorities. However, question 12 states the proposal is to align the ethical regime of JWAs with other local authorities.

The Standards Board supports the need to ensure that JWAs operate to the same high standards as other types of public authorities. Alignment as proposed in question 12 would involve the addition of JWAs to the list of relevant bodies under section 49 of the Local Government Act 2000 (the Act). There would be a number of implications if this were to happen. One such implication is that the JWA would fall under the jurisdiction of the Standards Board. JWAs would be required by the Act to adopt their own Code of Conduct (the Code) based upon the model Code and to have a standards committee. The standards committee would deal with the assessment of allegations that a member

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of the JWA has breached the Code and, where appropriate hold determination hearings when an investigation into a breach of the Code has been completed by the authority's monitoring officer. Under the Act standards committees also have other specific and general functions in relation to the standards framework and you can read more about these in our recently published guidance titled 'The role and make-up of standards committees', which is available from our website at www.standardsboard.gov.uk/Guidance/Standardscommittees

However, you say in the consultation document that you do not wish JWAs to have to adopt their own code and set up their own standards committees but instead rely on members being covered by the codes and framework of their 'home' authority. If you were not to designate them as relevant authorities under the Act, you would be correct in your assertion that members would continue to be covered by their authority's Code when serving on a JWA as they would be acting as their authority's representative. It should be borne in mind however, that authorities are able to make additions to the Model Code to reflect local circumstances. A local Code must include all of the provisions of the government's Model Code, and these cannot be changed, but an authority may also adopt extra provisions in its Code as long as those provisions are consistent with the Model Code. A JWA would need to be aware that there will be the possibility (albeit remote) of members from different constituent authorities adhering to different local Codes, and therefore be under different obligations. However, all the members will have to adhere to the mandatory provisions for their type of authority in the Model Code and it is likely, in our experience, that there will be only slight differences (if any) between the Codes.

If JWAs did become a 'relevant authority' under section 49 of the Act, each member of the JWA would have to adhere to the JWA's own Code for members. This would allow for a consistency of approach to conduct issues within the JWA, regardless of the JWA's members being drawn from more than one constituent authority.

Currently joint authorities formed under Part 4 of the Local Government Act 1985, such as Passenger Transport Authorities, fall under the definition of a 'relevant authority' in section 49 of the Act. Police authorities, which operate in a similar way to joint authorities, are also listed in section 49 of the Act. This would appear to set a precedent for other types of joint authorities such as JWAs to fall within the standards framework and to be included in the list of relevant authorities. However, we recognise that there is a danger of creating an overly-bureaucratic system by creating the need for a JWA to have its own standards committee when our experience is that these types of authorities are likely to generate few, if any, complaints. It is for that reason that we pressed the Government to allow joint standards committees under the new standards framework introduced by the Local Government and Public Involvement in Health Act 2007. We expect CLG to make regulations allowing the operation of joint committees in the autumn.

The standards framework aims to make local authorities more open and transparent in their decision making, and in turn improve public trust in local democracy. If JWAs were part of the standards framework, it would send out a clear message that they support high standards, both internally and externally, and the onus is on them to set an example to other bodies they work with, and to the community at large. JWAs would be able to take ownership of conduct issues and create a strong ethical environment within the authority that would have a positive effect on the authority's performance and governance. It may therefore be that you want to include JWAs as a relevant authority

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so that they have to adopt a code and are seen to proactively support high standards but with a strong encouragement for the formation of joint standards committees with one or more of the 'home' authorities.

The Standards Board believes there needs to be a culture of high standards in every authority. There is widespread evidence that the behaviour of local councillors can have a direct impact on the trust of the people they serve. The Standards Board firmly believes that trust is enhanced where there are effective governance arrangements in place to ensure that councillors are empowered to make decisions on behalf of their communities, but in turn those decisions are protected from inappropriate vested interests. Good corporate governance is important for ensuring trust and quality services in local government. Loss of trust can lead to the public and service users disengaging by not wanting to participate in public service delivery and/or choosing other service options.

The Standards Board commissioned BMG Research early last year to examine the perceived impact of the standards regime at a local level through a survey of both national stakeholders and local authority members and officers. The findings from the survey reflect a consensus that standards of councillor conduct have improved since the inception of the Standards Board. Whilst this is partly due to the threat of sanctions, it is also a result of greater awareness of and adherence to the Code that members have to sign up to when they take office. It has also been shown that the benefits of local hearings and investigations are raised awareness of the Code, a reinforcement of its importance and raised awareness of standards committees and the statutory role of the monitoring officer.

I hope this information is of assistance. If you require any further detail on what I have mentioned above please do not hesitate to get in touch with me directly or, for more technical issues, with a member of the Standards Board's Strategy & Guidance Team who can be contacted by email at enquiries@standardsboard.gov.uk or by phone at 0845 078 8181.

Yours sincerely



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Chief Executive