

STANDARDS COMMITTEE

7 April 2008

PROPOSED AMENDMENT TO THE CONSTITUTION – ARTICLE 9 (THE STANDARDS COMMITTEE)

REPORT OF CORPORATE DIRECTOR (GOVERNANCE)

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RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

The Local Government and Public Involvement in Health Act 2007 has, inter alia, required that the Chairman of the Standards Committee must be an Independent Member. This is already the practice adopted by the City Council but the Act now makes it compulsory rather than discretionary.

It has also been the practice of the Committee to appoint a City Councillor as Vice Chairman and it is suggested that this continue, not least because that Member is then clearly the appropriate person to present any Recommended Minutes to Council. However, should the Chairman be absent from a meeting of the Committee, another Independent Member should be appointed to chair that meeting only, which will maintain compliance with the Act.

The Act also changes the arrangements for filtering and dealing with complaints about breaches of the Code of Conduct, which will now be undertaken by the Standards Committee, rather than the Standards Board for England.

These matters necessitate amendments to Article 9 of the Constitution which relates to the Standards Committee. Appendix 1 sets out Article 9 in full and shows with track changes the proposed alterations.

RECOMMENDATION (to Council):

That the proposed alterations to Article 9 of the Constitution relating to the Standards Committee, as shown with track changes in Appendix 1 to this report, be approved.

OTHER CONSIDERATIONS:

CORPORATE STRATEGY (RELEVANCE TO):

An Efficient and Effective Council.

RESOURCE IMPLICATIONS:

None

BACKGROUND DOCUMENTS:

None

APPENDICES:

Appendix 1 – Article 9 of the Constitution

## Article 9 – The Standards Committee

### 9.01 The Standards Committee

The Council will establish a Standards Committee.

### 9.02 Membership

The Standards Committee will be composed of at least:-

- a) Two Councillors (other than the Leader). Not more than one member of Cabinet can be on the Standards Committee. The political balance requirements do not apply.
- b) One person who is not a Councillor or an officer of the Council or any other body having a Standards Committee (referred to as the independent member).
- c) One member of a Parish Council in the Council's area (the parish member).

### 9.03 Voting at Meetings

Councillors, independent members and parish members will be entitled to vote at meetings.

### 9.04 Quorum

A meeting of the Committee shall not be quorate unless at least three members and one independent member are present. If the independent member is prevented from participation by the Code of Conduct, then the meeting will still be quorate. At least one parish member must be present when matters relating to parish councils or their members are being considered.

### 9.05 Chairing the Committee

The Standards Committee shall be chaired by an Independent Member.

### 9.06 Roll and Function

The Standards Committee will have the following roles and functions:-

- a) Promoting and maintaining high standards of conduct by Councillors and co-opted members.
- b) Assisting Councillors and co-opted members to observe the Members Code of Conduct.
- c) Advising the Council on the adoption or revision of the Members Code of Conduct.

- d) Monitoring the operation of the Members Code of Conduct.
- e) Advising, training or arranging to train Councillors and co-opted members on matters relating to the Members Code of Conduct.
- f) Granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members Code of Conduct.
- g) Dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer regarding a complaint about an individual case.
- h) The exercise of a-g above in relation to the Parish Councils wholly or mainly in its area and the members of those Parish Councils.
- i) The development, introduction, promotion and training in relation to all other ancillary codes of conduct (referred to in the Constitution as local Protocols) which the Council may wish to introduce from time to time.
- j) Considering and determining any complaint made about a Member with regard to an alleged breach of the provisions of any local Protocol adopted by the Council.

The Standards Sub Committee will have the following roles and functions:-

- a) Dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer regarding a complaint about an individual case.
- b) Considering and determining any complaint made about a Member with regard to an alleged breach of the provisions of any local Protocol adopted by the Council.