

STANDARDS COMMITTEE

12th June, 2008

Members Present:- City Council Members

Councillor D. Arrowsmith
Councillor J. Clifford (Substitute for Councillor K. Mulhall)
Councillor J. Gazey

Independent Members

D. Delieu
D. Jackson
B. Ray

Parish Councillors

D. Lilly
B. Shakespeare

Employees Present:- H. Abraham (Head of Democratic Services)
C. Forde (Head of Legal Services and Monitoring Officer)
J. McLellan (Customer and Workforce Services Directorate)

Apologies:- Councillor K. Mulhall
J. Willetts

RECOMMENDATION

1. Terms of Reference for Standards Committee

The Committee considered a report of the Head of Legal Services and Monitoring Officer that proposed revised Terms of Reference for adoption by the Committee in order to carry out their functions and responsibilities. The Appendix to the report detailed the revised terms of reference for the Standards Committee.

The Local Government and Public Involvement in Health Act 2007 made amendments to Part 3 of the Local Government Act 2000. Those amendments included making changes to the roles and responsibilities of local authority Standards Committees. The additional roles and responsibilities include that, as from 8th May, 2008, anyone could make a complaint against a member or co-opted member of the Council directly to the Standards Committee. The complaint must relate to an alleged breach of the Member Code of Conduct that had been adopted by the Council. Previously such complaints against members were made to the Standards Board for England.

The process of making a complaint to the Council required an initial assessment of the complaint to determine whether it should be investigated either by the Council's Monitoring Officer or Standards Board for England, or that no action be taken. At the Council meeting held on 15 May, 2008 (their Minute 12/08 refers), it was resolved that

Standards Committee be authorised to determine the local assessment of complaints. Where a decision was made that no further action be taken, the complainant could request a review of that decision.

As a result of the changes to the complaints process set out above, it was necessary to change the composition of the Standards Committee by increasing the number of independent members from 6 to 8 and parish councillors from 1 to 2. The number of councillors remained the same at 3.

Other new roles and responsibilities of the Standards Committee resulted from changes made to Part 1 of the Local Government and Housing Act 1989 and required that the Committee consider and determine applications for exemptions from politically restricted posts and make appropriate directions to the Council in this regard. A person holding a politically restricted post was prevented from being a local member, member of parliament or standing for election. The Council was required to maintain a list of certain of those politically restricted posts. For instance the list included those employees above a prescribed remuneration level, who regularly gave advice to the Council or committees or who regularly speak to journalists/broadcasters. A person whose post was included (or proposed to be included) in this list may be exempted from the restrictions. In addition, an application could be made to direct that the Council include a post on the list. These powers referred to were previously carried out by an independent adjudicator appointed by the Secretary of State. However, these powers had now been transferred to the Standards Committee.

It was also proposed to remove from the Terms of Reference the requirement for there to be substitute members for Council members. Substitute members could previously attend a meeting of the committee or sub-committee whenever a regularly appointed member could not be present. This change was as a result of guidance on this matter from the Standards Board who do not recommend the use of substitutes on Standards Committees.

The Monitoring Officer would be required to submit to the Standards Board for England details of the Council's ethical governance following the changes made to the Standards Committees roles and responsibilities. As a result of this, it was also recommended that the findings of the report were presented to Council on an annual basis. In view of this it was also recommended that a Councillor from the Standards Committee be nominated to attend Council meetings to answer any questions on the report or other associated matters that would not be of a private or confidential nature. This would be in line with paragraph 4.1.21 of the Council's Constitution that enables questions to be put to Chairs of Scrutiny Boards, Scrutiny Co-ordination Committee or the Chair of any other Body (which would include Standards Committee) at meetings of the City Council. If the nominated Councillor was unable to attend, then they would nominate a replacement from the Standards Committee.

As a result of the changes the composition and terms of reference for the Standards Committee require amendment and these were set out at Appendix 1. The proposed new additions were shown by those entries in bold and the proposed deletion was shown with a line through the relevant text.

The members of the Constitution Working Group had been consulted on these proposals.

RECOMMENDED:-

- (1) that the City Council approves and adopts the revised Terms of Reference for the Standards Committee as set out at Appendix 1 to the report, and that the Constitution be updated accordingly.**
- (2) that Councillor Gazey (or his nominee) be nominated to answer any questions on the annual ethical report to the Standards Board for England or associated matters that were not of a private or confidential nature in accordance with the procedure set out at paragraph 4.1.21 of the Constitution.**



Report to

Standards Committee

12 June 2008

Council

30th June, 2008

Report of

Head of Legal Services & Monitoring Officer

Title

Terms of Reference for the Standards Committee

1 Purpose of the Report

- 1.1 To consider a revised Terms of Reference for adoption by the Standards Committee in order to carry out of their functions and responsibilities.

2 Recommendations

Standards Committee are requested to:-

- 2.1 Recommend the City Council to approve and adopt the revised Terms of Reference for Standards Committee set out at Appendix 1, and to update the Constitution accordingly.
- 2.2 Nominate a Councillor of the Standards Committee to attend Council, (or their nominee when unable to attend), to answer any questions on the annual ethical report to the Standards Board for England or associated matters that are not of a private or confidential nature in accordance with the procedure set out at paragraph 4.1.21 of the Constitution.

3 Information/Background

- 3.1 The Local Government and Public Involvement in Health Act 2007 made amendments to Part 3 of the Local Government Act 2000. Those amendments included making changes to the roles and responsibilities of local authority Standards Committees.
- 3.2 The additional roles and responsibilities include that, as from 8 May 2008, anyone can make a complaint against a member or co-opted member of the Council directly to the Standards Committee. The complaint must relate to an alleged breach of the Member Code of Conduct that has been adopted by the Council. Previously such complaints against members were made to the Standards Board for England.
- 3.3 The process of making a complaint to the Council requires an initial assessment of the complaint to determine whether it should be investigated either by the Council's Monitoring Officer or Standards Board for England, or that no action be taken. At the Council meeting held on 15 May 2008 it was resolved that Standards Committee be authorised to determine the local assessment of complaints. Where a decision is made that no further action be

taken, the complainant can request a review of that decision.

- 3.4 As a result of the changes to the complaints process set out above, it is necessary to change the composition of the Standards Committee by increasing the number of independent members from 6 to 8 and parish councillors from 1 to 2. The number of councillors remains the same at 3.
- 3.5 Other new roles and responsibilities of the Standards Committee result from changes made to Part 1 of the Local Government and Housing Act 1989 that requires Standards Committee to consider and determine applications for exemptions from politically restricted posts and making appropriate directions to the Council in this regard. A person holding a politically restricted post is prevented from being a local member, member of parliament or standing for election. The Council is required to maintain a list of certain of those politically restricted posts. For instance the list includes those employees above a prescribed remuneration level, who regularly give advice to the Council or committees or who regularly speak to journalists/broadcasters. A person whose post is included (or proposed to be included) in this list may be exempted from the restrictions. In addition, an application can be made to direct that the Council include a post on the list. These powers referred to were previously carried out by an independent adjudicator appointed by the Secretary of State. However, these powers have now been transferred to the Standards Committee.
- 3.6 It is also proposed to remove from the Terms of Reference the requirement for there to be substitute members for Council members. Substitute members could previously attend a meeting of the committee or sub-committee whenever a regularly appointed member could not be present. This change is as a result of guidance on this matter from the Standards Board who do not recommend the use of substitutes on Standards Committees.
- 3.7 The Monitoring Officer will be required to submit to the Standards Board for England details of the Council's ethical governance following the changes made to the Standards Committees roles and responsibilities. As a result of this, it is also recommended that the findings of the report are also presented to Council on an annual basis. In view of this it is also recommended that a Councillor from the Standards Committee be nominated to attend Council meetings to answer any questions on the report or other associated matters that would not be of a private or confidential nature. This would be in line with paragraph 4.1.21 of the Council's Constitution that enables questions to be put to Chairs of Scrutiny Boards, Scrutiny Co-ordination Committee or the Chair of any other Body (which would include Standards Committee) at meetings of the City Council. Were the nominated Councillor be unavailable to attend, then they would nominate a replacement from the Standards Committee.
- 3.8 As a result of the changes the composition and terms of reference for the Standards Committee require amendment and these are set out at Appendix 1. The proposed new additions are shown by those entries in bold and the proposed deletion is shown with a line through the relevant text.
- 3.9 The members of the Constitution Working Group have been consulted on these proposals.

4 Other specific implications

4.1

	Implications (See below)	No Implications
Best Value		

	Implications (See below)	No Implications
Children and Young People		
Climate Change & Sustainable Development		
Comparable Benchmark Data		
Corporate Parenting		
Coventry Community Plan		
Crime and Disorder		
Equal Opportunities		
Finance		
Health and Safety		
Human Resources		
Human Rights Act		
Impact on Partner Organisations		
Information and Communications Technology		
Legal Implications	√	
Neighbourhood Management		
Property Implications		
Race Equality Scheme		
Risk Management		
Trade Union Consultation		
Voluntary Sector – The Coventry Compact		

5 Monitoring

- 5.1 The Monitoring Officer will review the Terms of Reference on a regular basis and, where appropriate, make recommendations to the Standards Committee for the Terms to be revised.

6 Timescale and expected outcomes

- 6.1 The local assessment of complaints made against members came into force in May 2008 and therefore the amended Terms of Reference for the Standards Committee is required to reflect these and other changes referred to in this report.

8. Legal

- 8.1 All of the changes to the roles and responsibilities of the Standards Committee, with the exception of annually reporting to Council on ethical governance, are required by the Local Government and Public Involvement in Health Act 2007 and supplemented by the Standards Committee Regulations 2008 No 1085.

	Yes	No
Key Decision		√
Scrutiny Consideration (if yes, which Scrutiny meeting and date)		
Council Consideration (if yes, date of Council meeting)		

List of background papers

Proper officer: Monitoring Officer

Author: Telephone ext 1587
Christine Forde, Head of Legal Services, (Any enquiries should be directed to the above)

Other contributors:

Papers open to Public Inspection

Description of paper **Location** CH59

The Local Government and Public
Involvement in Health Act 2007 (Section 202)

The Standards Committee Regulations 2008 No 1085.

APPENDIX 1

Part 2.9 – Article 9 – Standards Committee

2.9 Article 9 – Standards Committee

2.9.1 The Council has established a Standards Committee

2.9.2 **Composition**

- (a) The Standards Committee has a membership of **thirteen**, made up as follows:-
- (i) three councillors, none of whom may be a member of the Cabinet. One of the Councillors will be from the Main Opposition Group. ~~All of these Councillors will have a named substitute, appointed by the City Council, none of whom may be a member of the Cabinet. Substitute Members will be entitled to vote at meetings.~~
 - (ii) **eight** independent persons who are not Councillors or employees of the Council or of any other body having a Standards Committee. The independent members will be entitled to vote at meetings.
 - (iii) **two** members of Parish Councils (who are not members of the City Council) wholly or mainly in the Council's area, who will be entitled to vote at meetings.
- (b) **The Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions. Any such sub-committee will be chaired by an independent member.**

2.9.3 **Questions at Council.**

The Committee will nominate a Councillor of the Standards Committee to attend Council, (or their nominee when unable to attend), to answer any questions on the annual ethical report to the Standards Board for England or associated matters that are not of a private or confidential nature in accordance with the procedure set out at paragraph 4.1.21 of the Constitution.

2.9.4 **Chairing the Committee**

The Committee will be chaired by one of the independent members. **In the absence of the appointed Chair, or Deputy Chair, the Committee will be chaired by another independent member to be elected by the Committee.**

2.9.5 **Quorum**

- (a) The quorum for meetings of the Standards Committee will be two independent members (one of whom may be a Parish Councillor representative) and one Councillor. When matters relating to Parish Councils or their members are being considered the Parish member must be present to constitute a quorum.
- (b) **The quorum for meetings of a sub-committee of the Standards Committee will be three members.**

2.9.6 The Role and Function

The Standards Committee has the following roles and functions:-

- to promote and maintain high standards of conduct by Councillors, and co-opted Members and Church and Parent Governor representatives;
- to assist the Council's co-opted Members and Church and Parent Governor representatives to observe the Members' Code of Conduct;
- to advise the Council on the adoption or revision of the Members' Code of Conduct;
- to monitor the operation of the Members' Code of Conduct;
- to advise, train or arrange to train Councillors, co-opted Members and Church and Parent Governor representatives on matters relating to the Members' Code of Conduct;
- **to assess written allegations of breaches of the Members' Code of Conduct;**
- **to review on the request of a complainant a decision that no action should be taken on a complaint;**
- **to deal with any reports from a Case Tribunal or Interim Case Tribunal, and any report from the Monitoring Officer on any matter which is referred to them for determination by the Monitoring Officer, Ethical Standards Officer or the Standards Board for England;**
- **to report annually to Council on ethical governance within the City Council;**
- **to consider and determine applications for exemptions from political restriction;**
- **to give directions to the Council requiring it to include a post on its list of politically restricted posts;**
- to exercise the above functions in relation to the Parish Councils wholly or mainly in its area and the members of those Parish Councils;
- to advise the Council on the adoption or revision of the Code of Conduct for Employees;
- to consider and adopt any Protocols in connection with Members/employee relations;
- to monitor and review the City Council's "whistleblowing" procedures;
- to exercise oversight of other arrangements and to maintain probity and ethical standards as may be required from time to time by the Council;
- to grant dispensations to Councillors, co-opted Members and Church and Parent Governor representatives from the requirement in the Members Code of Conduct to disclose specific interests;
- to review and recommend to the Council amendments to the Constitution in accordance with Article 2.15 of the Constitution.

(NOTE: This means that the Standards Committee is responsible for recommending amendments to the Constitution with the exception of:-

- changes to the Scheme of Delegation
- changes to the Cabinet Portfolios
- approval of the Calendar of Business and Schedule of Meetings
- Members' Allowance Scheme