



Leicester
City Council

WARDS AFFECTED
All Wards - Corporate Issue

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Standards Committee

6 March 2008

Standards Committee - Future Size, Composition and Terms of Reference

Report of the Town Clerk and Corporate Director of Resources

1. Purpose of Report

To consider the future size, composition and Terms of Reference of the Committee in the light of Standards Committees' new responsibilities in the ethical framework, including arising from the Local Government and Public Involvement in Health Act 2007, and the initial feedback from the Comprehensive Performance Assessment (CPA).

2. Recommendations

The Committee is requested to express its views on the future size, composition and Terms of Reference of the Committee in order that firm proposals can be brought to the next meeting of the Committee prior to consideration by full Council.

3. Report

The Local Government and Public Involvement in Health Act 2007 has significant impacts for Standards Committees, overall in the promotion of the ethical framework within local authorities and, in particular, with the introduction of a locally managed framework of compliance with the Code of Conduct.

In that regard, it is important that the future size, composition and Terms of Reference of the Committee are appropriate to meet these enhanced requirements.

Size of Standards Committee

Legislation and regulations (in some cases proposed) will stipulate that Standards Committees must have a minimum of:-

- Three members (two Elected Members and one Independent Member)
- 25% as independent lay members if the Committee is more than three people
- An independent Chair (from April/May 2008)

Under section 53 (iv) of the Local Government Act 2000, Standards Committees do not have to reflect the political balance of the Council. This is because the Standards Committee is above party politics and its representatives need to gain the respect of the whole Council, regardless of their political party. Indeed, the guidance indicates it may be appropriate to have an equal number of representatives from all parties represented on the Council.

Councils (such as Leicester) with executive arrangements can only have one executive member on the Standards Committee and that member cannot be the Lord Mayor or Leader of the Council. Nor can that member chair the Committee. However, the Committee does not need to include a member of the executive.

The Standards Board for England recommends at least six people on the Committee as a minimum (three elected members and three independent members), along with consideration of whether more members are required to ensure cover in the event of conflicts of interest, holidays and sickness.

As will be seen from Article 9 of the Council's Constitution, attached at Appendix 1, the current provisions are that the Committee will be composed of at least three Councillors (other than the Lord Mayor of Leicester) and two Independent Members.

A further issue for consideration in terms of size relates to the future role of the Standards Committee in relation to complaints about Member conduct.

Bearing in mind the need to avoid perceptions of bias or predetermination, so that members who carry out a local assessment decision should not be involved in a review of the same decision, should one be requested, the Standards Board recommends a structure of sub-committees (minimum of two) or the Standards Committee acting as a pool of members to deal with the different roles. In Leicester, as exemplified by the Employees Committee, the pool approach has worked well subject, of course, to the Members concerned having received appropriate prior and ongoing refresher training.

Conversations with the recent Comprehensive Performance Assessment Inspectors also seemed to reveal a difference in view and approach between them and the City Council concerning the Councillor membership of the Standards Committee. The Council has always welcomed and encouraged the current practice whereby each Group nominates senior Members of their Group to sit on the Committee – indeed, current membership includes the Deputy Leader of the Council and the Leaders of two larger minority groups. It has always been viewed that this gives appropriate prominence in the Member and political arena to matters of ethics and probity. The CPA Inspectorate view, however, although subject to clarification, would seem to urge the Elected Member representation on the Committee to be orientated more towards back bench Councillors.

The appointment of Members to the Committee is a matter for determination within each political group. The Committee may, however, wish to consider the respective merits of each option which can then be conveyed to the political groups to help inform their committee membership processes.

Terms of Reference

The current Terms of Reference of the Committee are set out in Appendix 2.

At minimum, these will need to be updated to encompass the requirements of the Orders and Regulations Relating to the Conduct of Local Authority Members in England as derived from Part 10 of the Local Government and Public Involvement in Health Act 2007 when finalised (see a separate report on the Agenda for this Committee re the consultation submission).

In addition, it also gives the Committee the opportunity to consider whether the remaining Terms of Reference are appropriate or in need of revision to emphasise the strategic direction of the Committee's work.

The Committee is, therefore, asked to consider whether they wish to identify any aspects of the Terms of Reference for review prior to consideration by full Council.

As the final Orders and Regulations have yet to be published, it is recommended that a further report be brought to the next meeting detailing, in a form which can be considered by full Council, proposed changes to the size, composition and Terms of Reference of the Committee.

4. Financial, Legal and Other Implications

4.1. Financial Implications

There are no financial implications directly associated with this report.

4.2. Legal implications

These are contained within the body of the report.

5. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	

6. Background Papers – Local Government Act 1972

Local Government and Public Involvement in Health Act 2007

7. Consultations

None.

8. Report Author

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ARTICLE 9 – THE STANDARDS COMMITTEE

0.01 Standards Committee

The Council will establish a Standards Committee.

9.02 Role and Function

The Standards Committee will be responsible for promoting and maintaining high standards of conduct by Councillors and co-opted members and officers. It will have roles and functions as set out in Part 3 of this Constitution.

9.03 Composition

Membership. Membership will be determined by the Council each year at this Annual Meeting. This may be varied by the Council from time to time. It will be composed of at least:

- Three Councillors (other than the Lord Mayor and Leader); and,
- Two persons who are not Councillors or officers of the Council or any other body having a Standards Committee (Independent Members), who shall be appointed for any period as decided on by the Council.

Quorum. The quorum of the Standards Committee is three members, including an independent member.

9.04 Independent Members. Independent members will be entitled to vote at meetings.

9.05 Chairing the Committee. The Committee will be chaired by one of the Independent Members.

TERMS OF REFERENCE

Standards Committee
Terms of Reference

1. To oversee and promote the Council's arrangements to ensure and maintain probity and the highest standards of governance in the conduct of business by members (including co-opted members) and officers.
2. To oversee, promote, monitor observance and recommend necessary change to Members' and officers' Codes of Conduct and Political Conventions.
3. To oversee and ensure the provision of appropriate training to Members and officers to enable them to adhere at all times to the provisions of the Council's Political Conventions and governance arrangements.
4. To consider and determine matters referred to the Council by the National Standards Board either for local determination or for local investigation, including the application of disciplinary sanctions, as necessary.
5. To oversee the Council's Corporate Governance arrangements, receive the annual statement prepared under the Local Code of Corporate Governance and monitor compliance within the Council.

Matters Reserved to the Committee:

1. All relevant matters reserved for Member level decision as detailed in the Rules of Procedure.
2. Matters of strategic significance relating to the Committee's Terms of Reference.
3. The hearing of complaints referred for local investigation by the Standards Board for England and consideration of those complaints referred by the Standards Board for England for local determination.
4. Such other matters as the Committee may from time to time reserve to itself for decision.
5. All matters within the Terms of Reference of the Standards Committee which are not reserved to full Council or this Committee, either by legislation, regulation or local determination, are delegated to the Town Clerk.