



Leicester
City Council

WARDS AFFECTED
All Wards - Corporate Issue

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Standards Committee

14 May 2008

Standards Committee - Future Size and Terms of Reference

Report of the Service Director (Democratic Services)

1. Purpose of Report

To consider the future size and Terms of Reference of the Committee in the light of Standards Committees' new responsibilities in the ethical framework arising from the Local Government and Public Involvement in Health Act 2007, and the associated Regulations and Guidance.

2. Recommendations

The Committee is requested to express its views on the future size and Terms of Reference of the Committee and the formation of Sub-Committees in order that its views can be input to the Annual Meeting of Council on 15 May 2008.

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 and Terms of Reference of the Committee are appropriate to meet these enhanced requirements.

Size of Standards Committee

Legislation and associated Regulations now provide for the following in terms of the size and make up of the Standards Committee and its Sub-Committees.

1. The Standards Committee must consist of at least 25% Independent Members and the number of Members of the Executive who may sit on the Committee is restricted to one [that person may not be either the Leader or the Lord Mayor. Nor can that Member chair the Committee. However, the Committee does not need to include a Member of the Executive.]

2. Regulation 5 specifies the manner in which Independent Members may be recruited and appointed to a Standards Committee (the appointment of Independent Members within the City Council already conforms to those requirements).
3. Regulations 3 and 4 permit Standards Committees to appoint persons who are Independent Members of the Standards Committees of other authorities for specified periods of time, or to sit on a Committee or Sub-Committee considering a particular allegation or set of allegations.
4. Regulations 6 and 7 require Standards Committees to establish Sub-Committees, each chaired by an Independent Member, to undertake the initial assessment of allegations (under section 57A of the Act). Differently constituted Sub-Committees, chaired by different Independent Members, must also be established to consider any request (under section 57B of the Act) to review decisions to take no action in respect of allegations made under Section 57A of the Act. Standards Committees may decide to establish Sub-Committees to consider reports or hold hearings, which must also be chaired by an Independent Member. At least three of its members must be present at meetings of a Standards Committee, or Sub-Committee of a Standards Committee, which must include at least one Elected Member of the authority.
5. 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.
6. 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 interests, holidays and sickness. Having regard to the nature of business, the Committee may feel that a membership of nine in total is more appropriate (three Independent Members and two Members from each of the main political groups on the Council – the Green Party Group currently do not feel able to sustain full membership and participation in the detailed work of this Committee).

Articles and Terms of Reference

Article 9 of the Council's Constitution relates to the Council's Standards Committee. Attached at Appendix 1 is a revised Article to reflect the new provisions.

The Terms of Reference of the Committee, and the Sub-Committees, which now need to be formed, need to be updated to meet the requirements of the legislation and recently published Regulations.

A draft set of Terms of Reference for both the Committee and its Sub-Committees are attached at Appendix 2. The Committee is recommended to consider these in order that a proposals can be put for consideration to the Annual Meeting on 15 May 2008.

4. Financial, Legal and Other Implications

4.1. Financial Implications

The present budget assumes the presence of three Independent Members on the Standards Committee. If this representation is maintained, there are no financial implications arising from this report. [Andy Morley – Chief Accountant]

4.2. Legal implications

These are contained within the body of the report.

5. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting information	References
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. Sub-Committees will also be established as required.

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 and advise full Council and Cabinet on matters relating to the Council's corporate governance and ethical framework.
3. To receive the Council's annual Corporate Governance Review Statement.
4. To oversee, promote, monitor observance and recommend necessary change to Members' and officers' Codes of Conduct and Political Conventions.
5. 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.
6. In accordance with the relevant legislation and associated Guidance, to hear and determine any allegation that a Member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct.
7. To oversee the process and, through its Sub-Committees, initially assess and review as necessary written allegations submitted to the Council that an Elected or Co-opted Member of the Council has failed or may have failed to comply with the City Council's Code of Conduct for Members.
8. In the event of there being a local investigation of an allegation, to decide, with reasons, the outcome of the investigation and to exercise its powers and sanctions.
9. To consider under Sections 1 and 2 of the Local Government and Housing Act 1989:-
 - (a) any application received from any officer of the Council for exemption from political restriction in respect of the post held by that officer and may direct the Council that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Council under Section 2(2) of that Act; and,
 - (b) upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Council under Section 2(2) of the 1989 Act, and may direct the Council to include a post in that list.

Matters Reserved to the Committee:

1. All matters of significance are reserved to the Committee save as set out in the Terms of Reference of its established Sub-Committees.

2. 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.

TERMS OF REFERENCE

STANDARDS SUB-COMMITTEE (INITIAL ASSESSMENT)

1. In accordance with the relevant legislation and associated Guidance, the Sub-Committee is empowered to initially assess and decide upon all written complaints received by the Council's Monitoring Officer which allege that an Elected or Co-opted Member of the Council has failed or may have failed to comply with the City Council's Code of Conduct for Members.
2. To authorise the Monitoring Officer to take all reasonable steps to implement its decision(s), with reasons, and to notify the person making the allegation and the Member concerned of that decision.
3. In the event of there being a local investigation, the Standards Sub-Committee (Initial Assessment) shall determine, with reasons, whether:-
 - (i) it accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;
 - (ii) the matter should be referred for a hearing of the Standards Committee; or,
 - (iii) the matter should be referred to the Adjudication Panel for determination.
4. Composition – The Standards Sub-Committee (Initial Assessment) shall comprise of 4 Members, one of whom shall be an Independent Member of the Standards Committee (who will also Chair the Sub-Committee), and three Elected Members of the Council.
5. Quorum – The quorum for a meeting of the Standards Sub-Committee (Initial Assessment) shall be 3 Members (with an Independent Member as Chair).
6. Frequency of Meetings –The Standards Sub-Committee (Initial Assessment) will meet as necessary to initially assess any allegation received.

TERMS OF REFERENCE

STANDARDS SUB-COMMITTEE (REVIEW)

1. In accordance with the relevant legislation and associated Guidance, to review, as necessary, any decision taken at a Hearing of the Standards Committee.
2. Composition – The Standards Sub-Committee (Review) shall comprise of 4 Members of the Standards Committee. One of the Members of the Standards Sub-Committee (Review) shall be an Independent Member of the Standards Committee (and Chair of the Sub-Committee).
3. Quorum – The quorum for a meeting of the Standards Sub-Committee (Review) shall be 3 Member (with an Independent Member as Chair of the Sub-Committee) and at least one Elected Member of the Council.
4. Frequency of Meetings – The Standards Sub-Committee (Review) shall meet as and when required to hear and review, as necessary, any decisions made against an Elected or Co-opted Member of the Council.