

LATE BUSINESS SHEET

Report Title: item 11

Date: 25 June 2019

Reason for lateness and reason for urgent consideration

This report is considered urgent pursuant to section 100B (4) (b) of the Local Government Act 1972. That provision states *“An item of business may not be considered at a meeting of a principal council unless ... by reason of special circumstances, which shall be specified in the minutes, the chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency”*.

The Constitution prescribes that the Standards Committee should formally establish the Standards sub assessment committee and Standards Hearing Committee. Therefore, the attached report is put forward to allow confirmation prior to the Standards Sub assessment committee meeting taking place next week.

Concurrence of the Acting Democratic and Scrutiny Services Manager to the submission of this late item of business in accordance with Part 5 Section D – Protocol for Decision-Making - Paragraph 1.4.

Report for: Standards Committee 25 June 2019

Title: Confirmation of the Membership of the Standards Assessment and Hearing Sub-Committees

Report authorised by: Bernie Ryan, Assistant Director – Corporate Governance and Monitoring Officer

Lead Officer: Ayshe Simsek, Acting Democratic Services and Scrutiny Manager
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Ward(s) affected: N/A

**Report for Key/
Non Key Decision: Non-key**

- 1. Describe the issue under consideration**
 - 1.1 This report seeks confirmation of the Membership of the Standards Assessment and Hearing Sub-Committees
- 2. Cabinet Member Introduction**

N/A
- 3. Recommendations**

That the Committee:

 - 3.1 Agree the membership of the Standards Assessment Sub Committee and the Standards Hearing Sub Committee as set out at 5.3
- 4. Remit of Standards Committee**
 - 4.1 The Articles of the Council's Constitution set out the remit of the Standards Committee at Article 9:

9.01 Standards Committee

The Council meeting will establish a Standards Committee to promote and maintain high standards of conduct by Members and Co-opted Members of the Council.

9.02 Composition

The Standards Committee will be composed of Councillors appointed on the basis of political balance. In addition, the Standards Committee may appoint up to six non-voting co-opted members.

Quorum. The quorum of the Standards Committee is three.

9.03 Role and Function

The Standards Committee will have the following roles and functions:

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and representatives of religious organisations and parent governor representatives;*

- (b) Assisting the Leader, Councillors, co-opted members and representatives of religious organisations and parent governor representatives 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 and the ethical framework;*
- (f) Granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;*
- (g) Advising the Council on codes and protocols forming the Council's ethical framework and its governance arrangements, monitoring the effectiveness of those arrangements and making reports and recommendations accordingly;*
- (i) Responding to national reviews and consultations on standards related issues;*
- (j) Granting exemptions for politically restricted posts and giving directions to include a post on the list of restricted posts;*
- (k) Advising the Council on the appointment of independent persons and taking steps to select them;*
- (l) Considering amendments to the Constitution and recommending proposals to full Council for approval*

9.04 Assessment Sub-Committee

The Standards Committee will establish an Assessment Sub-Committee to assess allegations that a member or co-opted member has failed to comply with the Members' Code of Conduct, as referred by the Monitoring Officer.

9.05 Composition

The Assessment Sub-Committee will be composed of Councillors appointed on the basis of political balance.

9.06 Role and Function

The Assessment Sub-Committee will have the following roles and functions: To consider all allegations referred to the Sub-Committee by the Monitoring Officer that a member or co-opted member has failed to comply with the Members' Code of Conduct and to determine whether the allegation:

- (a) merits no further investigation and is dismissed, or*
- (b) merits further investigation.*

9.07 Hearing Sub-Committee

The Standards Committee will establish a Hearing Sub-Committee to conduct hearings into allegations that a member or co-opted member has failed to comply with the Members' Code of Conduct and to determine such allegations.

9.08 Composition

The Hearing Sub-Committee will be composed of Councillors appointed on the basis of political balance.

9.09 Role and Function

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

(a) To conduct hearings into allegations referred for investigation by the Assessment Sub-Committee that a member or co-opted member has failed to comply with the Members' Code of Conduct.

(b) To determine whether or not the member or co-opted member did/did not fail to comply with the Members' Code of Conduct.

(c) Where the Sub-Committee has determined that a member has failed to comply with the Members' Code of Conduct to take such action as it may lawfully take.

(d) In consequence of the hearing and determination of any allegation to make recommendations to the Council with a view to promoting high standards of conduct amongst members.

5. Memberships of the Standards Assessment Sub-Committee and Hearing Sub-Committees

5.1 In addition to the above, there is more detail given in the Members' Code of Conduct and the Protocol on Complaints against Members on how the sub-committees of the Standards Committees fulfil their role.

5.2 In Part 4 Section B of the Council's Constitution, the requirement that Members undertake training before participating in the work of the Assessment and Hearing Sub Committees:

In the case of meetings of Committees/Sub-Committees where prior member training is required, only those members who have attended appropriate training can be selected as substitutes. Currently these bodies are the Standards Committee and its Sub-Committees....

Reserve members will be trained for the relevant body as soon as possible after their appointment.

5.3 It is suggested that the Standards Committee agree that the membership of the parent committee agreed at Annual Council also be the membership of the two sub-committees, given the need for Members' expertise and discretion on these matters.

5.4 It is customary for meetings of the Standards Assessment Sub-Committee to begin with the election of the Chair, which allows flexibility in case the Chair of the parent committee is unable to attend or has recused his- or herself from consideration of a complaint without giving a misleading impression for the reason for the election. It is proposed that that tradition is continued.

6. Contribution to strategic outcomes

N/A

7. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance and Procurement

There are no direct financial implications arising from the recommendations in this report. The financial implications of the Committee's work programme, in

particular the review of Members' allowances, will be set out for Members at the relevant time.

Legal

The Assistant Director for Corporate Governance has been consulted on the contents of this report.

Equality

There are no direct equalities implications arising from the recommendations in this report. Equalities impacts of the work programme, in particular the scheme of Members' Allowances, will be set out for Members at the relevant time.

8. Use of Appendices

N/A

9. Local Government (Access to Information) Act 1985