



**Haringey** Council

Agenda item:

**Standards Committee**

**on**

**10 June 2010**

**Report Title: Amending Constitutional Provisions on the Membership of the Standards Committee and its Sub-Committees**

**Report of: Monitoring Officer**

**Wards(s) affected: All**

**Report for: Non Key Decision and Recommendation to the CRWG and the full Council**

### **1. Purpose**

1.1 To propose a amendments to provisions in the Council's Constitution that prescribe the membership of the Standards Committee and its Sub-Committees

### **2. Recommendations**

2.1 Members of the Committee are requested to:

- (i) Note and approve the proposed amendments to Article 9 in Part 2 of the Council's Constitution relating to the membership of the Standards Committee as shown in Appendix 1 to this report, and
- (ii) Note and approve the proposed amendments to Part 3, Section 3 of the Council's Constitution relating to the membership of the Standards Sub-Committees as shown in Appendix 2 to this report, and
- (iii) Recommend the proposed amendments to the Constitution Review Working Group for consideration and approval and for further recommendation on to the full Council for adoption.

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### **3. Local Government (Access to Information) Act 1985**

3.1 Council Constitution, The Local Government Act 2000 and the Standards Committee (England) Regulations 2008.

#### **4. Financial Implications**

4.1 There are no specific financial implications.

#### **5. Legal Implications**

5.1 The legal implications are stated in the body of this report.

#### **6. Equalities and Community Cohesion Implications**

6.1 There are no specific equalities or community cohesion implications.

### **7. Report**

- 7.1 The Council's Constitution contains provisions about the membership of the Standards Committee and its Sub-Committees. This includes stating the distinction between the Councillors and the "independent members" and making precise provision for the numbers of each category of member on the Committee and its Sub-Committees.
- 7.2 There are statutory requirements relating to the membership of the Standards Committee and its Sub-Committees in Part 3 of the Local Government Act 2000 and the Standards Committee (England) Regs 2008 (S.I. 1085).
- 7.3 These statutory requirements, particularly those in the 2008 Regs, are not reflected with complete accuracy in the Council's Constitution. Furthermore, the existing Constitution provisions on membership have proved unnecessarily prescriptive having regard to the variable numbers of Councillors appointed to the Committee and the increase in the number of independent members needed to participate in Sub-Committees under "local filter" arrangements.
- 7.4 Having regard to the above points, and to the potential difficulty in finding members (both Councillors and independents) available for Assessment and Review Sub-Committees at short notice, there is a strong argument for making changes in the Constitution to permit greater flexibility subject to compliance with the minimum legal requirements for membership.
- 7.5 Appendix 1 to this report shows Article 9.02 in the Constitution which deals with the composition/membership of the Standards Committee. It is proposed to delete the stipulation for precisely 8 Councillors and 4 independent members while adding in the statutory requirement that at least 25% of the Committee membership must be independent members and no more than one Cabinet Member may serve on the Committee.
- 7.6 Furthermore, it would be helpful to state the statutory rules about the quorum for the Standards Committee in a new Article 9.02 (d). This will provide that the quorum for any meeting is 3 members including an independent Chair and at least one Councillor.

- 7.7 Appendix 2 to this report shows the relevant extract from Part 3 Section C of the Constitution which deals with the membership and terms of reference of the Standards Committee's Sub-Committees, namely, the Assessment, Review and Hearings Sub-Committees. It is proposed to delete the local stipulation for precisely 3 Councillors and 2 independent members on Assessment and Hearings Sub-Committees in favour of greater flexibility. In some cases there would be an argument for having a majority of independent members, rather than Councillors, to strengthen the transparency of the processes but it would be unwise to prescribe this always given the limited number of independent members at present.
- 7.8 In place of the "3:2" stipulation, it is recommended that the Constitution should simply reflect the statutory requirements for a quorum. As with the parent Committee, this is a quorum of 3 members including an independent member to serve as Chair and at least one Councillor.
- 7.9 The membership of the Sub-Committees, as appointed, will remain at 5 members for the Hearings Sub-Committees which meet less frequently and where a reasonably large body of decision-makers is appropriate in the interests of transparency and adherence to the rules of natural justice.
- 7.10 In the case of the Assessment and Review Sub-Committees which meet more frequently and at much shorter notice, flexibility would be achieved by providing for an appointed membership between 3 and 5 for both types of body. This replaces the current local stipulation of 5 members for the Assessment Sub-Committees and 3 members for the Review Sub-Committees which is not wholly logical.
- 7.11 The Sub-Committees will be appointed by the parent Committee whenever possible but when necessary the Head of Local Democracy & Member Services has delegated power to make the appointments.
- 7.12 The amendments to the Constitution described above, if approved by the Standards Committee, will be reported to the Constitution Review Working Group for its consideration and approval and then recommended on by the CRWG to the full Council for adoption.

## **8. Use of Appendices**

**Appendix 1** - Recommended amendments to Article 9.02 on the composition/ membership of the Standards Committee.

**Appendix 2** - Recommended amendments to Part 3, Section C on the composition/ membership of the Standards Sub-Committees.

