



**Haringey** Council

## **APPENDIX A**

<b>Briefing for:</b>	Constitution Review Working Group	<b>Item number:</b>	
<b>Title:</b>	Amending the Constitutional Provisions on Membership of the Standards Committee and its Sub-Committees		
<b>Lead Officer:</b>	John Suddaby, Head of Legal Services and Monitoring Officer		
<b>Date:</b>	September 2010		
<b>Purpose:</b>	To consider proposed changes to the membership of the Standards Committee (Part 2, Article 9 of the Council's Constitution), and the Standards Sub-Committees (Part 3, Section C), as set out in Appendices 1 and 2 to this briefing, and to recommend these changes to the full Council for adoption.		
<b>Recommendations:</b>	That the Constitution Review Working Group recommends the next full Council meeting to adopt the changes to the membership of the Standards Committee and its Sub-Committees set out in Appendices 1 and 2 to this briefing as amendments to the Council's Constitution at Part 2, Article 9 (parent Committee) and Part 3, Section C (Sub-Committees).		

### **1. Briefing on the Membership of the Standards Committee and its Sub-Committees - Background**

- 1.1 This matter arises from a report to the Standards Committee on 10 June entitled "Amending the Constitutional Provision on Membership of the Standards Committee and its Sub-Committees" which is attached to this briefing. The main purposes of this report can be summarised as (1) bringing the rules on membership and composition of the Standards Committee in the Council's Constitution into line with the rules in the national Regulations and (2) creating some extra flexibility over the membership of Standards Sub-Committees.

## **2. Membership/Composition of the Standards Committee**

2.1 The rules applicable to the Standards Committee itself are set out in Part 2, Article 9 of the Constitution. The changes being recommended are shown in Appendix 1 to the Committee report and this briefing. These changes are:

- Deleting the reference in Article 9.02 to a prescribed number of Councillors (8) and a prescribed number of independent members (4)
- Replacing this with the basic rule in the Regulations that at least one quarter of the membership must be independent
- Adding the rule in the Regulations that no more than one Cabinet Member may sit on the Committee (the rules against the Leader or Mayor doing so are already stated)
- Adding the rule in the Regulations on the quorum for the Committee i.e. 3 including an independent as Chair and at least one Councillor
- Deleting the rule that a Cabinet Member may not be Chair - this is redundant because of the existing stipulation that the Committee elects its Chair from the independents.

2.2 The Standards Committee were content to approve these proposed changes to the membership of the Committee and to refer these to CRWG for consideration. No changes were proposed to the role and functions of the Committee.

## **3. Membership/Composition of the Standards Sub-Committees**

3.1 The rules applicable to the various Sub-Committees of the Standards Committee are set out in Part 3, Section C of the Constitution. The changes being recommended are shown in Appendix 2 to the Committee report and this briefing. These changes are:

- (i) Creating greater flexibility for the Assessment and the Review Sub-Committees (which often meet at short notice) by stating their membership as between 3 and 5. Currently the stipulation for Assessment Sub-Committees is 5 members and for Review Sub-Committees it is 3; which is not wholly logical.
- (ii) Hearings Sub-Committees are generally arranged much further in advance and should have 5 members in the interests of transparency. Usually, 3 of the 5 members appointed to sit will be independents.
- (iii) Deleting the current rule that 3 members of the Assessment and the Hearings Sub-Committees should be Councillors.

- (iv) Adding the rule in the Regulations about the quorum for all three types of Sub-Committee i.e. 3 members including an independent as Chair and at least one Councillor (but see below at paragraph 3.2).
- 3.2 The Standards Committee did consider that there should be at least two Councillors, one from each group, appointed to every Sub-Committee in the interests of political balance (although the statutory rules on political balance do not apply to Standards Committees). However, It was recognised that on occasions, when only Councillor was actually able to attend on the night, it would still be desirable to hold the meeting in order to comply with deadlines for action in the Regulations and Guidance, and possible to do so with the minimum legal quorum stated in the Regulations (assuming that two independents and one Councillor were present).
- 3.3 Consequently the Committee accepted the proposition that the requirement for two Councillors be qualified by reference to the words “so far as practicable and having regard to relevant Regulations and Guidance”. This rule, which will apply to all three types of Sub-Committee, is set out in Appendix 2 to this briefing in the initial paragraph numbered 3. The text proposed in substance by the Standards Committee, and subsequently approved as drafted by its Chair, is shown in Capital letters.

#### **4. Comments of the Head of Legal Services**

- 4.1 The legal implications are set out in the body of this briefing.

#### **5. Comments of the Chief Financial Officer**

- 5.1 There are no specific financial implications.

#### **6. Recommendations**

- 6.1 That the Constitution Review Working Group recommends the next full Council meeting to adopt the changes to the membership of the Standards Committee and its Sub-Committees set out in Appendices 1 and 2 to this briefing as amendments to the Council’s Constitution at Part 2, Article 9 (parent Committee) and Part 3, Section C (Sub-Committees).

#### **7. Appendices**

- 7.1 Report to the Standards Committee meeting on 10 June 2010 entitled “Amending Constitutional Provisions on the Membership of the Standards Committee and its Sub-Committees.
- 7.2 Appendix 1 to that report – Amendments to Article 9.02 (parent Committee)
- 7.3 Appendix 2 to that report – Amendments to Part 3, Section C (Sub-Committees).