



Haringey Council

Agenda item:

[No.]

**Standards Committee**

**On 10 June 2008**

Report Title: Updating the Standards Committee's and Monitoring Officer's terms of reference

Forward Plan reference number: n/a

Report of: **Monitoring Officer**

Wards(s) affected: All

Report for: Non Key Decision and Recommendation to full Council

**1. Purpose**

1.1 To propose amendments to the terms of reference of the Standards Committee and Monitoring Officer as contained in the Council's Constitution.

**2. Recommendations**

2.1 Members are asked to agree the amended terms of reference as set out at Appendices 1 and 2 to this report

2.2 Instruct the Monitoring Officer to report these proposed changes to full Council for adoption.

Report Authorised by: **John Suddaby, Monitoring Officer**

Contact Officer: **John Suddaby – Monitoring Officer**

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

3.1 Local Government Act 2000, the Local Government and Public Involvement in Health Act 2007 and relevant regulations

#### **4. Report**

- 4.1 The Local Government and Public Involvement in Health Act 2007 and regulations made under the Local Government Act 2000 have placed new responsibilities on local authority Standards Committees and on Monitoring Officers. These primarily relate to new responsibilities that local authorities have since 8 May to be the first and main point of reference for the receipt, assessment, review and determination of complaints received by an authority that a Member has failed to comply with the Members Code of Conduct.
- 4.2 The 2007 Act also transfers, from the national "independent adjudicator" to each local Standards Committee, the functions of considering applications from officers for exemption from political restrictions and giving directions to include any post on the list of politically restricted posts. Political restrictions apply to all posts at or above SCP 44. Any officer at this level can apply to the Head of Personnel for a certificate that their post does not involve giving regular advice to Member bodies or speaking regularly to the media on behalf of the Council. The Standards Committee will then consider the applications. This change is being recommended now in advance of Regulations, expected soon, that will implement the new system.
- 4.3 It is good practice that the Constitution reflects accurately new statutory responsibilities that Council bodies or statutory officers have as soon as possible following their assumption. Appendices 1 and 2 contain the relevant parts of the Constitution and show the proposed amendments which are themselves self-explanatory.

#### **5. Financial Implications**

- 5.1 There are no financial implications.

#### **6. Legal Implications**

- 6.1 There are no legal implications.

#### **7. Equalities Implications**

- 7.1 There are no equalities implications.

#### **8. Recommendations**

- 8.1 It is recommended that the Standards Committee agree the amended terms of references as set out in Appendices 1 and 2 to this report and instructs the Monitoring Officer to report these changes to full Council for adoption there.

#### **9. Use of Appendices / Tables / Photographs**

- Appendix 1** Amended terms of reference for Standards Committee,  
**Appendix 2** Amended terms of reference for Monitoring Officer.

## PART TWO – ARTICLES OF THE CONSTITUTION

### Article 9 - The Standards Committee

#### 9.01 Standards Committee

The Council meeting will establish a Standards Committee.

#### 9.02 Composition

The Standards Committee will be composed of eight councillors who may not include the Leader or Mayor and four people ("the independent members"), none of whom are councillors or officers of the Council or any other body having a Standards Committee.

- (a) **Membership.** The Standards Committee is composed of eight councillors and four independent members
- (b) **Independent members.** Independent members will be entitled to vote at meetings;
- (c) **Chairing the Committee.**
  - (i) The Committee selects its own Chair from among the Independent Members.
  - (ii) A Member of the Cabinet may not chair the committee.
  - (iii) The Chair of the Standards Committee will have a casting vote in the event of a vote being tied.

#### 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 the Elected Mayor, 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;
- (h) Carrying out an assessment and review function for all complaints received by the Council against Councillors and co-opted members.

- (i) Dealing with any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter which is referred by the Ethical Standards Officer to the Monitoring Officer;
- (j) Hearing complaints against Councillors and co-opted members made to the Council or referred back from the Standard Board for England;
- (k) Hearing complaints against co-opted members arising from alleged breaches of Codes and Protocols falling outside the jurisdiction of the Standards Board for England;
- (l) Responding to national reviews and consultations on standards related issues.
- (m) Granting exemptions for politically restricted posts and giving directions to include a post on the list of restricted posts
- (n) Advising the Council on the appointment of independent members and taking steps to select them

PART THREE – RESPONSIBILITY FOR FUNCTIONS Section C – Terms of Reference: Full Council & Non Executive Bodies

**3. Standards Committee**

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;

(h) Carrying out an assessment and review function for all complaints received by the Council against Councillors and co-opted members

- (i) Dealing with any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter which is referred by the Ethical Standards Officer to the Monitoring Officer;
- (j) Hearing complaints against Councillors and co-opted members made to the Council or referred back from the Standard Board for England;
- (k) Hearing complaints against co-opted members arising from alleged breaches of Codes and Protocols falling outside the jurisdiction of the Standards Board for England;
- (l) Responding to national reviews and consultations on standards related issues.

(m) Granting exemptions for politically restricted posts and giving directions to include a post on the list of restricted posts

(n) Advising the Council on the appointment of independent members and taking steps to select them

PART TWO – ARTICLES OF THE CONSTITUTION  
ARTICLE 12 - OFFICERS

**12.03 Functions of the Monitoring Officer**

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the full Council or to the Cabinet in relation to an Executive function if s/he considers that any omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Contributing to corporate management.** The Monitoring Officer will contribute to the corporate management of the Council
- (d) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.  
The Monitoring Officer will be responsible for making periodic statutory returns of information to the Standards Board for England.
- (e) **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- (f) **Conducting investigations.** The Monitoring Officer or investigators appointed by him/her in consultation with the Chair of the Standards Committee will conduct investigations into matters referred by ethical standards officers or by the Standards Committee or one of its sub committees and make reports on recommendations in respect of them to the Standards Committee.
- (g) **Proper officer for access to information.** The Head of Local Democracy & Member Services shall ensure that Cabinet and other Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible. The Monitoring Officer will advise and assist to ensure the proper performance of these functions.
- (h) **Advising whether Cabinet decisions are within the budget and policy framework.** The Monitoring Officer and the Chief Financial Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- (i) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration,

financial impropriety, probity and budget and policy framework issues to all councillors. The Monitoring Officer will report on new and amended legislation to Council so that Members can consider the effects on services and the possible need to amend the scheme of delegations.

- (j) **Restrictions on posts.** The Monitoring Officer cannot be the chief finance officer or the head of paid service.