

Standards Committee

21 August 2009



Composition of Sub-Committees (Hearing, Initial Assessment and Review Sub-Committees)

Report of Colette Longbottom, Head of Legal and Democratic Services and Monitoring Officer

Purpose of the Report

- 1 To request that the Standards Committee consider amending the current Local Assessment Procedures to enable sub-committees dealing with initial assessment, hearings and reviews to be drawn from all parties.

Background

2. The Council's current procedure for local assessment of complaints states that these sub-committees will normally comprise four members of the Standards Committee. They will be selected on a rotation basis and in the case of Council members from a different political group (or groups) to that of the member concerned.
3. Concerns have been raised from time to time by members of the Standards Committee and by officers who are endeavouring to organise such sub-committees, that this political restriction causes some difficulties.

It restricts the pool of choice for putting together a sub-committee which, in turn has implications for convening such a sub-committee.

4. It also appears to be based on an assumption that there may be apparent bias for a member of the same party judging the conduct of a co-party member, but that there will be no such bias on a member of an opposing party member. In fact the common principle upon which members should serve on the standards sub-committee, is that they are not subject to any party whip; they approach the issue of standards with an open mind and declare any interest, if they exist.
5. The risk attached to changing the current procedure is a public perception that, in a Council policing its own standards, party members judging members of their own party, may be inclined to greater leniency. The risks of not adopting the change, is that there could still be claims that opposing party members judging members may also have their own agenda.

6. It is suggested that clear reminders from the Chair and Monitoring Officer about the lack of a party whip, the need to approach from an open mind, and the terms of the code of conduct (which should preclude a member who has a prejudicial interest being involved on a committee), should address these risks.

Recommendation

7. It is recommended that in order to enable more flexibility, that the current restriction that Council members should be from a different political group to that of the member concerned, be lifted.

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