

Item 4

REPORT TO STANDARDS COMMITTEE

3RD JULY 2008

REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

THE ROLE AND MAKE UP OF STANDARDS COMMITTEES

1. SUMMARY

- 1.1 This Report sets out the role and make up of Standards Committees and is based on guidance issued under the Standards Committee (England) Regulations 2008. The regulations are mandatory, and it is aimed primarily at members of Standards Committees and Monitoring Officers.

2. RECOMMENDATIONS

- 2.1 That Standards Committee be appraised of this Report.

3. DETAIL

3.1 Functions of Standards Committee

The main role of a Standards Committee is to promote and maintain high standards of conduct throughout the authority. Standards Committees, and indeed Monitoring Officers, are at the heart of the standards framework. They promote, educate and support members in following the highest standards of conduct and ensuring that those standards are fully owned locally.

Standards Committees have the following functions:

Main Functions

- To promote and maintain high standards of conduct for members
- To help members to follow the Code of Conduct

Specific Functions

- To give the Council advice on adopting a local Code
- To monitor the effectiveness of the Code
- To train members on the Code, or arrange for such training
- To assess and review complaints about members
- To conduct determination hearings
- To grant dispensations to members with prejudicial interests
- To grant exemptions for politically restricted posts

3.2 Size and Composition

There must be at least three people on a Standards Committee, which must include at least two members of the authority and at least one independent member. 25% of the members of the Standards Committee must, at least, be independent members.

The chair of the Standards Committee must always be an independent member.

As the Standards Committee carries out a number of functions including the assessment of complaints and determination hearings, it is recommended that there are at least six members on the committee, as different members will be required to carry out the different functions to avoid conflicts of interest.

In addition, two parish or town council representatives must be appointed, who must sit on the Standards Committee at all times when parish matters are being discussed.

3.3 Independent Members

Independent members are important in helping increase public confidence in local government. They provide a clear signal that the Standards Committee acts fairly and impartially. Independent members also bring a wider perspective from their outside experiences.

Independent members must be chosen in a fair and open way. A person can only be an independent member if that person:

- has not been a member or employee of your authority within the five years before the date of appointment.
- is not a member or officer of that or any other relevant authority.
- is not a relative or close friend of a member or employee of your authority
- has applied for the appointment
- has been approved by a majority of the members of the Council
- the position has been advertised in at least one newspaper distributed in your authority's area.

Skills and competencies of Independent Members

- a keen interest in standards in public life.
- a wish to serve the local community and uphold local democracy.
- high standards of personal integrity
- the ability to be objective, independent and impartial
- sound decision-making skills
- questioning skills
- leadership qualities, particularly in respect of exercising sound judgement
- the ability to act as the chair of an Assessment or Review Sub-Committee or a determination hearing.

Independent members may also be temporarily appointed to another Standards Committee to consider a particular assessment, review or hearing, or for a particular period of time, eg where the permanent member is unwell or if there is a conflict of interest. These appointments can be made without the need to advertise the position.

It is a legal requirement that the chair of the Standards Committee must be an independent member. This is because of the key role they play in the business of the Standards Committee. By being independent the chair can ensure that the Standards Committee's business is conducted in such a way that no one can question its integrity.

3.4 Parish and Town Council Representatives

The legal minimum parish or town council representation is two, although the guidance does recommend three to provide for flexibility, in the event the parish or town council representative is unavailable or conflicted out.

A parish or town council representative must be present when parish matters are being discussed by any meeting of the Standards Committee or one of its sub-committees.

3.5 Other Members

Executive members on the Standards Committee:

If the authority is operating executive arrangements, the Standards Committee does not need to include a member of the Executive.

Elected members on the Standards Committee:

Standards Committees need not reflect the political balance of the authority. This is because the Standards Committee should be above party politics and its members need to have the respect of the whole authority regardless of the governing political party.

However, it is useful for the Standards Committee to include members who are supported by all political parties, particularly when the local assessment of complaints is carried out. This is so that greater trust and confidence can be established in the decision-making process among all political members.

Standards Committees should be seen as making judgements impartially and without regard to party loyalty.

3.6 Supporting Standards Committees – The Role of the Monitoring Officer

The Monitoring Officer plays an important role in helping the Standards Committee to carry out its functions. He/she is the link between its members and the Standards Committee. They also play an important role in the relationship between parish and town councillors and the Standards Committee.

Monitoring Officers arrange training on standards matters for Standards Committees or for other members; they also maintain the register of members' interests.

3.7 Operation of Standards Committees

A Standards Committee **must** appoint a sub-committee to:

- assess new complaints
- review decisions to take no action over a complaint

A Standards Committee **can** appoint a sub-committee to:

- consider a Monitoring Officer's final investigation report
- consider determination hearings

For a meeting of the sub-committee to be valid, at least three members of the Standards Committee must be present throughout. These three members must include at least one member of the authority and one independent member.

A member of an Assessment Sub-Committee cannot be present at the Review Sub-Committee meeting when it considers a complaint that the Assessment Sub-Committee decided "no action should be taken".

If the matter relates to a member of a Parish or Town Council, the sub-committee must have at least three members who are present throughout the meeting, including a Parish or Town Council representative and an independent member.

Agendas and Reports for Standards Committee Meetings

Standards Committee agendas should be open for inspection five days before the meeting. However, meetings of the Assessment and Review Sub-Committees are closed and therefore agendas for these meetings do not come under this rule.

Copies of reports should also be available for inspection. However, the whole report or part of it, may be excluded, if the meeting where the report will be discussed, is unlikely to be open to the public. These might include:

- confidential or exempt terms
- breach of the Data Protection Act

An item may be considered as a matter of urgency, despite not appearing on the agenda, if the chair believes there are special circumstances, which are reflected in the minutes.

Minutes should be available for six years after the meeting, unless they relate to an exempt item, in which case they should not be made available.

4. RESOURCE IMPLICATIONS

4.1 No specific financial implications have been identified.

5. CONSULTATIONS

5.1 No specific consultations.

6. OTHER MATERIAL CONSIDERATIONS

6.1 All material considerations have been taken into account in the contents of this Report. In particular, risks may arise unless Members of Council are fully appraised on standards matters.

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Ward(s)

Key Decision Validation

Background Papers

Standards Board Publication "The Role and Make Up of Standards Committees"

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