
STANDARDS COMMITTEE

14th March 2008

Report of the Interim Head of Civic, Democratic and Legal Services

STANDARDS COMMITTEE – CONSTITUTIONAL CHANGES

Summary

1. The purpose of this report is to ask the Standards Committee to recommend to the Council changes to its constitution in order that it can meet the provisions of the Local Government and Public Involvement in Health Act 2007 in relation to the enhanced role of the Committee. It reports the progress made in recruiting additional members to the Committee. It deals with a recommendation of the Ethical Governance Audit in relation to the role of the Committee and proposes a change in the rules relating to allowances when a member is suspended.

Background

2. **Local Government and Public Involvement in Health Act 2007** – A report was submitted to the last meeting of the Committee detailing the provisions in the Local Government and Public Involvement in Health Act 2007. It is still anticipated that the changes relating to the Committee undertaking the role of carrying out initial assessments of complaints will be brought in to effect on 1st April 2008. Members will recall that a report on the consultation in relation to the proposed regulations was also included on the agenda of the last meeting.
3. **Size of the Committee** – the Committee was advised at its last meeting that in order to carry out the roles of assessing complaints, conducting appeals against assessments it would be necessary to increase the size of the Committee. Following consultation with Group Leaders it is proposed to increase the Committee to 11 members consisting of 4 York Councillors (with the additional member being drawn from the Green Party Group so that all groups are represented on the Committee), 4 Independent Members and 3 Parish Councillor representatives.
4. **Recruitment of Additional Independent Members** – An advertisement has been placed in the local press and on the internet inviting applicants to fill the 3 vacancies for independent members (the 2 new ones and 1 to replace Mrs Leaman). An application form and

information pack have been prepared. At the time of writing this report there have been 10 expressions of interest. The closing date is 12th March and an update will be given at the meeting. Interviews will need to be arranged with the Committee in time to recommend names to Council in April.

5. **The Additional Parish Representatives** – as suggested at the last meeting it is proposed that the current Parish substitute representative, Councillor Mellors, be appointed a full Committee member. A recommendation to this effect is included at the end of this report. In addition the Yorkshire Local Councils Association are conducting a ballot to choose a 3rd representative. The name should be available for the April Council Meeting.
6. **Creation of Sub- Committees** – As mentioned above it will be necessary to authorise the Standards Committee to set up sub-committees from its membership in order to deal with its functions of carrying out assessments, re-assessments and hearings. In order to ensure maximum flexibility it is proposed that these should be panels, consisting of at least 3 members of the Committee, to include at least one City of York councillor, one independent member and, if the matter relates to a Parish Councillor, one Parish representative. The Monitoring Officer in consultation with the Chair of the Committee will have authority to convene a panel.
7. **Politically Restricted Posts – Grant and Supervision of Exemptions** – As mentioned in the report to the last meeting of the Committee the Local Government and Public Involvement in Health Act 2007 transfers to the Standards Committee from an Independent Adjudicator responsibility for the granting and supervision of exemptions from the political restrictions attaching to a politically restricted post.
8. **Overview of Complaints Handling and Ombudsman Investigations** – The Ethical Governance Audit, as reported to the Committee in November 2007 recommended that the Standards Committee should be given an oversight role in respect of complaints handling and Ombudsman investigations. These are areas not specifically covered in any committee's terms of reference and are commonly part of the role of a Standards Committee. It is proposed therefore that the opportunity be taken to add these matters to the Committee's terms of reference.
8. **Constitutional Changes** – In order to give effect to the changes referred to in the preceding paragraphs it is necessary to amend Article 8 of the Constitution (The Standards Committee) and the functions of the Standards Committee set out in Part 3 Schedule 2 of the Constitution. The amended parts of the Constitution are attached as Annexes A and B to this report. The Committee is requested to refer them to Council for approval. The changes are indicated by the words in italics.

9. **Members Allowances Scheme – Suspension of Allowances** – At present the Council's Member's Allowances Scheme does not make provision for allowances not to be paid during any period a member is suspended from office by the Adjudication Panel for England or the Standards Committee following a hearing for failure to comply with the Members' Code of Conduct. It is suggested that the Committee make a recommendation to Council to include this provision in its Allowances Scheme.

Consultation

10. The political group leaders have been consulted in relation to the changes to the Standards Committee contained in this report and have indicated their support.

Options

11. The Council must comply with the requirements of the Local Government and Involvement in Health Act 2007. It has a discretion on the size of the Standards Committee as long as it is of sufficient size to discharge its responsibilities. There is also a discretion as to whether or not it expands the role of the Committee to include an oversight of complaints handling and Ombudsman investigations. It is a matter of discretion for the Council as to whether or not it pays members allowances during a period of suspension.

Analysis

12. This report puts forward changes in the constitution of the Standards Committee in order to equip it to meet its enhanced role. The proposals suggested are considered necessary and practical in order to discharge the functions in relation to the assessment of complaints. The suggestions in relation to the Committee's oversight of complaints handling and Ombudsman investigations were recommendations arising from the Ethical governance audit. Although beyond the statutory remit of Standards Committees they are common features of Standards Committees elsewhere. The proposal to suspend the payment of members allowances in the event of a member being suspended from office is provided for in the Local authorities (Members Allowances) Regulations 2003 but needs the Council to agree to its application.

Corporate Priorities

13. Compliance with the Local Government Act 2000 contributes to the corporate priority of improving leadership at all levels.

Implications

14. There are no specific financial, HR equalities, crime and disorder, IT, property or other implications arising out of this report. Legal implications are dealt with in the report.

Risk Management

15. The Council needs to ensure the Standards Committee is prepared to take on its responsibilities under the new legislation as soon as the provisions are implemented. These proposals will enable that to happen.

Recommendations

16. The Committee is asked;
 - a) to agree the contents of this report;
 - b) to agree a date to interview applicants for the role of Independent Member;
 - c) to recommend to Council that Councillor B Mellors (substitute Parish Representative) be made a full member of the Committee along with the further Parish representative to be selected by the Yorkshire Local Councils Association;
 - d) to recommend to Council that it seeks a nomination from the Green Party Group to the Standards Committee;
 - e) to recommend to Council the adoption of the revised Article 8 of the Constitution set out at Annex A;
 - f) to recommend to Council the adoption of the revised functions of the Standards Committee set out at Annex B;
 - g) to recommend to Council that provision be included in the Members' Allowances scheme to withdraw members allowances during the period a member is suspended from office as a result of a finding of the Adjudication Panel for England or the Standards Committee that the member has failed to comply with the Members' Code of Conduct.

Contact Details

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Specialist Implications Officer(s)

None

Wards Affected

All

For further information please contact the author of the report

Annexes:

Annex A – Article 8 of the Constitution

Annex B – Functions of the Standards Committee