

TO: STANDARDS COMMITTEE

DATE: 18 APRIL 2007

BY:

DISTRICT(S): N/A

ELECTORAL DIVISION (S):

N/A

PURPOSE: FOR INFORMATION

TITLE: PROPOSED CONSTITUTIONAL CHANGES TO STANDARDS COMMITTEE
CHAIRMANSHIP AND TERMS OF REFERENCE

SUMMARY

To advise Members of the Standards Committee of changes to the chairmanship and terms of reference of the Standards Committee proposed by the Monitoring Officer to the Council's How the Council Manages its Business (HTCMIB) Working Group, the Working Group's response and next steps.

1 Standards Committees – the Statutory Framework

The Local Government Act 2000 required all local authorities to have Standards Committees with five statutory functions.

- giving the council advice on adopting a local code of conduct;
- monitoring the effectiveness of the code;
- training members on the code, or arranging for such training;
- promoting and maintaining high standards of conduct for members; and
- helping members to follow the code of conduct.

Since 2003 Standards Committees have also been required to determine allegations of misconduct against members of the authority and may impose sanctions. The Committee's role will further expand when the initial consideration of all complaints of misconduct against Members is delegated to local standards committees.

A Standards Committee of more than three people must have at least 25% independent representatives. Only one Executive Member may sit on the Standards Committee and the Leader is prohibited from being a member of the Committee. The Committee is not required to be politically proportionate.

2 Surrey County Council's Standards Committee

Appendix A sets out Article 8 of the Constitution, which regulates Surrey County Council's Standards Committee.

The Council currently has a Standards Committee of nine members, three of whom are independent representatives, who were selected after public advertisement and appointed for a four year term commencing May 2005. The Chairman and Vice Chairman of the Council sit on the Committee. The Chairman of the Council chairs the Committee and one of the independent representatives is Vice Chairman. There are four other County Council members, one from each group.

In addition to the statutory terms of reference the Committee has delegated to it:

- ensuring that the Council's complaints procedures operate effectively and receiving reports upon them, and upon any findings of maladministration by the Local Government Ombudsman, and including the power to make payments
- overseeing the operation and monitoring the effectiveness of the new political management structures
- determining any disputes on the management of the Council's business

3 Reasons for change

For some time the Standards Board for England has made clear its preference that standards committees should be chaired by one of their independent representatives. Surrey County Council has however seen value in demonstrating that ethical standards are embedded in the organisation by appointing the Chairman of the Council to the role, complemented by an independent vice-chairman. In response to the delegation to local standards committees of determinations of allegations of member misconduct arrangements were put in place to call a sub-committee when required, chaired by the Vice Chairman.

The Government however remains firmly of the view that standards committees require independent chairmanship and the Local Authority and Public Involvement in Health Bill includes provision to make this mandatory.

4 Proposed changes

In the light of the above and following discussion at the last meeting of the Standards Committee, the Monitoring Officer has proposed changes to the HTCMIIB Working Group which would have the following effect:

1. The Standards Committee would have an independent representative as both Chairman and Vice Chairman
2. The Chairman and Vice chairman of the Committee would be elected by the Committee
3. The Committee would comprise of five County Councillors (one from each political group and a further senior Councillor) and three independent representatives
4. The terms of reference of the committee would be limited to statutory requirements, expanded to give effect to the new roles of the Committee, together with a complaints monitoring function

5 The Working Group's Response

The HTCMIIB working group discussed the Monitoring Officer's proposals and noted that, although the proposed new legislation would not come into force during the next council year, there would also be changes to the Members' Code of Conduct, requiring the Committee to take a more high profile training role. Change may therefore be advisable this Council Year. The Committee's workload would also increase when it is required to make an initial sift of all complaints made against Councillors. It also noted the non-statutory terms of reference given to the Committee in 2001 and agreed that, if these proposed changes were subsequently adopted, it would not be particularly appropriate for the Committee to make rulings on the Council's Constitution or mediate in any disputes regarding the management of the Council's business. HTCMIIB therefore agreed to put forward the proposals for consideration by the Council at its Annual Meeting in May 2007. This would be by way of a recommendation for revisions to the Constitution, which if adopted would result in the revised Article 8 set out in Appendix B to this report.

What happens next

The proposed changes to Article 8 will be incorporated into the wider proposals of the How the Council Manages its Business working group and will be considered by the full Council at its meeting of 15 May 2007.

CONTACT: ANN CHARLTON, HEAD OF LEGAL SERVICES AND MONITORING OFFICER

TEL NO: 020 8541 9001

BACKGROUND PAPERS:

Appendix A

Article 8 - The Standards Committee

8.01 The Council will establish a Standards Committee

8.02 Composition

The Standards Committee will be composed of at least two councillors (who may not include the Leader) and at least one person who is not a councillor or an officer of the Council or any other body having a standards committee (the independent member). The independent members will be entitled to vote at meetings. A quorum for a meeting shall be three members of which at least one must be an independent member.

8.03 Chairing the Committee

A Member of the Executive may not chair the Committee.

8.04 Role and Function

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Members of the Council, co-opted Members and officers
- (b) assisting Members, co-opted Members and officers to observe the Council's Codes of Conduct
- (c) advising the Council on the adoption or revision of a Councillor's Code of Conduct
- (d) monitoring the operation of the Codes of Conduct
- (e) promoting advice, guidance and training for Members, co-opted Members and officers on matters relating to the Codes of Conduct
- (f) considering matters referred to it by or on behalf of the Standards Board for England, or any report from the monitoring officer on any matter referred to him/her by an ethical standards officer
- (g) ensuring that the Council's complaints procedures operate effectively and receiving reports upon them, and upon any findings of maladministration by the Local Government Ombudsman, and including the power to make payments
- (h) overseeing the operation and monitoring the effectiveness of the new political management structures
- (i) determining any disputes on the management of the Council's business
- (j) granting dispensations to Members (including co-opted Members) from requirements relating to interests set out in the Members' Code of Conduct.

Appendix B

Article 8 - The Standards Committee

8.01 The Council will appoint a Standards Committee

8.02 Composition

The Standards Committee will be composed of five councillors (who may not include the Leader) and three people who are not councillors or officers of the Council or any other body having a standards committee (the independent representatives). The independent representatives will be entitled to vote at meetings. A quorum for a meeting shall be three members at least one of whom must be an independent representative

8.03 Chairing the Committee

The Chairman and Vice Chairman of the Standards Committee will be independent representatives and the Committee shall nominate a Committee Chairman and Vice Chairman from the independent representatives for ratification at the Annual Meeting of the Full Council (or where a vacancy arises mid year at the next ordinary meeting of the Council)

8.04 Role and Function

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Members of the Council and co-opted Members
- (b) assisting Members and co-opted Members to observe the Council's Codes of Conduct
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct
- (d) monitoring the operation of the Code of Conduct
- (e) promoting advice, guidance and training for Members and co-opted Members on matters relating to the Codes of Conduct
- (f) considering matters referred to it by or on behalf of the Standards Board for England, or any report from the monitoring officer on any matter referred to him/her by an ethical standards officer
- (g) dealing with any other matter referred to the Standards Committee by the Standards Board
- (h); ensuring that the Council's complaints procedures operate effectively and receiving reports upon them, and upon any findings of maladministration by the Local Government Ombudsman
- (i) granting dispensations to Members (including co-opted Members) from requirements relating to interests set out in the Members' Code of Conduct.