

<b>MEETING:</b>	<b>STANDARDS COMMITTEE</b>
<b>DATE:</b>	<b>16 APRIL 2010</b>
<b>TITLE OF REPORT:</b>	<b>CONSTITUTIONAL CONSIDERATIONS</b>
<b>REPORT BY:</b>	<b>ASSISTANT CHIEF EXECUTIVE LEGAL AND DEMOCRATIC</b>

## **Purpose**

This report outlines constitutional issues for consideration by the Standards Committee which will be considered further by the Constitutional Review Working Group on 30<sup>th</sup> April for ratification and adoption by Annual Council in May 2010.

## **Recommendation(s)**

**THAT:**

**(a) The Standards Committee considers:**

- **A formal request that the Council to establish the office of Vice Chairman position for the Standards Committee; and**
- **A request that the Constitution provides for sub-committees to be established by selection of 3 members of the Committee (including one independent and one parish member (for parish matters) to undertake review of decisions of the assessment sub-committee, consideration of investigation reports and hearings**
- **That scheduled monthly meetings be re-instated in the corporate diary for use by Standards Committee Sub-Committees (as required); and**
- **that formal reports from Standards Committee to all meetings of the Council be reinstated (as appropriate); and**

**(b) Standards Committee notes the revised process of dealing with relevant questions to Council from Members of the Public or Members of the Council; and**

**(c) Standards Committee notes the proposed outline for the procedure rules for inclusion in the constitution and delegates authority to the Monitoring Officer and Chairman to finalise the submission to the CRWG for their consideration.**

## **Key Points Summary**

Outlined in the body of the report are five specific issues which require Standards Committee's consideration; they are:

- appointment of Vice Chairman,
- the establishment of sub-committees
- formal dates for sub committees of the standards committee;
- Reports to Council;
- questions to Council; and
- procedure rules

## **Alternative Options**

1. The Standards Committee can consider not approving the recommendations outlined above.

## **Reasons for Recommendations**

- 2 All the recommendations outlined above seeks to further support the role and remit of the Standards Committee.

## **Introduction and Background**

3. The Standards Committee is aware that following the adoption of the new Constitution on 1 January 2010 further work is being undertaken to support changes to constitutional and governance arrangements.
4. Outlined in the body of the report are five specific issues which require Standards Committee's consideration; they are: i) appointment of Vice Chairman, ii) establishment of sub committees (iii) formal dates for sub committees of the standards committee; iv) Reports to Council; v) questions to Council; and vi) procedure rules.

## **Key Considerations**

### **Appointment of Vice Chairman**

5. Currently the only formal position on the Standards Committee of the eight members is that of the Chairman, who is an independent member. There is no nominated Vice-Chairman position on the Standards Committee and it is proposed that this position be formally established and appointed to at the Annual Council meeting in May 2010. The appointment must be that of an independent member. The level of activity of the Committee has increased and it is felt that it would be beneficial to have a formally appointed Vice Chairman who could share the responsibility for fulfilling the role of Chairman in his absence or where demands are such that it requires detailed work of more than a single person with the authority of the Chairman.

### **Establishment of sub-committees**

6. Currently the Committee has only one sub-committee; the assessment sub-committee. All other business must be conducted by the Committee as a whole. The different roles that need to be fulfilled by the Committee during the course of handling a complaint may require

several different meetings to deal with different tasks. Different members are required for some of those tasks. It is felt appropriate to recommend that the Committee be permitted to conduct assessments, reviews, consideration of investigation reports and hearings by sub-committee. It is not recommended that standing sub-committees be established but rather to ensure flexibility it is proposed that the Monitoring Officer be authorised to establish a sub-committee when required for each of these purposes by selecting at least 3 members (one of which must be independent and one of which on parish matters must be a parish representative).

### **Formal Dates for Sub Committees of the Standards Committee**

7. It is recognised that given the quantity of Sub Committee meetings that need to be held during the course of processing a complaint, and the pressures of Members diary commitments, it is proposed that monthly meetings are reinstated in the corporate diary. A regular slot in members' diaries should enable those meetings to be called more readily. These dates will provide a structured opportunity for relevant Sub Committees to be called at appropriate stages.

### **Reports to Council**

8. The new constitution does not provide for Committees to report back to each Council meeting. Such changes were undertaken in the wider context of changes to the council procedure rules and governance arrangements. The council agenda format changes were undertaken to:
  - ensure that the time available for each meeting was taken up with debate and strategic decisions; and
  - reports for information were kept to a minimum as there are other mechanisms through which information can be made available; and
  - the Council be focused on decisions needed as a result of recommendations from individual committees (where delegations are insufficient) by receipt of specific reports on those items.
9. As the Constitution currently stands, there is no provision for reports from Committees at every meeting at Council. This is an issue which has been identified for reconsideration in relation to the Standards Committee by the Constitutional Review Working Group (not in relation to reports from all Council Committees as standing items back on the agenda).

### **Questions to Council**

10. The constitution allows for both Members of the Public and Council Members to ask questions of Cabinet Members or Committee or other Chairmen if notice has been given in writing or by electronic mail to the Monitoring Officer; all questioners may also put one supplementary question to individual who has replied. There are differing timescales involved in this process and the Monitoring Officer may reject a question or a supplemental question if it does not meet any of the criteria outlined in the constitution. Questions may be received from Members of the Public or Council Member '*about any matter in relation to which the Council has powers or duties which affects the County*'; this will include on occasion matters relating to the role, remit and function of the Standards Committee.
11. The co-ordination of responses to questions for Council is undertaken by the Democratic Services Team to a pre-determined and defined timescale. Following the last Council meeting the process for handling questions which relate to the role and remit of the Standards Committee has been reviewed to ensure that the Chairman of the Standards Committee is notified appropriately of any relevant question submitted which may require a response. Once confirmation has been received that a response is appropriate, agreement will be sought on

who will respond (Chairman, Monitoring Officer, another member) and appropriate involvement will be had in the drafting and approval of the response and any subsequent response to a supplementary question.

## **Procedure Rules**

12. The Council agreed that the Constitution should encompass additional information about the Standards Committee processes, and in particular that the Procedure Rules in Part 4 of the Constitution should explain the nine stages of the Standards Framework. Work will be carried out to draft appropriate procedure rules based on the stages outlined below (together with other related matters such as methods of communications and confidentiality) in advance of the Constitutional Review Working Group at the end of April and Standards Committee is requested to delegate this activity to the Monitoring Officer and Chairman to progress.
  - Pre-complaint stage – all activities related to ensure complaints that properly fall within the remit of the standards committee are properly directed to the Monitoring Officer;
  - Pre-assessment stage – preparation of complaints documentation prior to the assessment sub-committee;
  - Assessment stage –assessment sub-committee and progressing complaints after the assessment sub-committee;
  - Review stage –a review sub-committee and progressing complaints after the review sub-committee, where the assessment sub-committee has determined that no further action should be taken and the complainant asks for a review;
  - Investigation stage – the investigation process, where an assessment or review sub-committee has referred a complaint to the council’s monitoring officer for investigation. This will also explain the role of Standards for England where matters are referred for investigation to the SFE;
  - Consideration stage – consideration sub-committee to consider the monitoring officer’s report following an investigation;
  - Standards committee hearing – all procedures relating to setting up and conducting a standards committee hearing;
  - Appeal stage
  
13. The Chairman of the Standards Committee has been invited to attend the meeting of the Constitutional Review Working Group on 30<sup>th</sup> April to present the Committee’s views on these issues and participate in the discussion. The Committee is recommended to support these proposals and authorise the Chairman to present these as the Committee’s views on 30<sup>th</sup> April and thereafter liaise with the Monitoring Officer on any changes to the Constitution agreed by the Constitutional Review Working Group. A report will be presented to the Committee at its next meeting detailing the outcome of that discussion and detailing the Constitutional changes made.

## **Community Impact**

14. Work continues to strengthen the constitutional and governance arrangements of the Council which seeks to positively support community and partnership engagement with all aspects of the Council’s activities.

## **Financial Implications**

15. There are no relevant financial implications.

## **Legal Implications**

16. Any changes to the constitution will require ratification and adoption at a Council Meeting. Given the timescales, any recommendation to Constitutional Review Working Group arising from this report should be considered in time for any proposed changes to the constitution to be considered at the Annual Council meeting in May 2010.

## **Risk Management**

17. There are no relevant risk management implications

## **Consultees**

18. Following consideration by the Standards Committee, these issues will be discussed at the Constitutional Review Working Group on 30 April.

## **Appendices**

19. There are none

## **Background Papers**

There are none