

MEETING:	STANDARDS COMMITTEE
DATE:	2 JULY 2010
TITLE OF REPORT:	CONSTITUTIONAL MATTERS
REPORT BY:	ASSISTANT CHIEF EXECUTIVE - LEGAL AND DEMOCRATIC (INTERIM)

CLASSIFICATION: Open

Purpose

To advise the Committee of relevant constitutional matters agreed by the Annual Council meeting on 28 May and to action the delegated appointment of Vice-Chairman to the Standards Committee for 2010/11.

Recommendation(s)

THAT:

- (a) The relevant constitutional matters agreed by the Annual Council on 28 May 2010 be noted**
- (b) That an appointment be made to the position of Vice-Chairman**

Key Points Summary

- The Annual Council meeting on 28 May agreed the following constitutional matters pertinent to the Standards Committee:
 - That a position of Vice Chairman of the Standards Committee is created and delegate this appointment to the Standards Committee.
 - That the Constitution provides for review, consideration and hearing sub-committees to be established by selection of three members of the Committee (including one independent member in the Chair, and for parish and town matters, one parish and town council representative).
 - That the Council receive formal reports from the Standards Committee at all its meetings (as appropriate).

Alternative Options

- 1 The Standards Committee have been delegated to appoint a Vice-Chairman of the Standards Committee. There is no formal requirement for this position, although it has been recognised that the creation of such a position would be beneficial to the Committee.

Reasons for Recommendations

- 2 To comply with the decision of the Annual Council held on 28 May 2010.

Introduction and Background

- 3 The Council at its meeting on 13 November 2009 agreed to adopt a new Constitution to take effect on 1 January 2010. Work has continued, through the Constitutional Review Working Group, to further refine elements within the constitution with recommendations made to Council. The Standards Committee at their meeting of 16 April 2010 considered some constitutional issues which were further discussed by the Constitutional Review Working Group prior to ratification and adoption by Annual Council on 28 May 2010.

Key Considerations

Establishment of Vice-Chairman Office

- 4 Annual Council was advised that the only formal position on the Standards Committee of eight members was that of the Chairman, who is an independent member and that there was no nominated Vice-Chairman position. Council was advised that the level of activity of the Committee had increased and it was 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
- 5 Annual Council agreed that this position be formally established and delegated the appointment of Vice-Chairman of the Standards Committee for 2010/11 to the Standards Committee.
- 6 As it is a requirement that the Standards Committee should be chaired by an Independent Member, the Vice Chairman should be appointed from amongst the Independent Members of the Standards Committee.
- 7 The decision of the Standards Committee will be reported to the Council on 16 July 2010.

Establishment of formal sub-committee structure

- 8 Annual Council was informed that the Standards Committee had only one sub-committee; the assessment sub-committee. All other business must be conducted by the Committee as a whole. Council was advised of the different roles that need to be fulfilled by the Committee during the course of handling a complaint and the need for different members to deal with some of those tasks.
- 9 Annual Council agreed for the Standards Committee to be permitted to conduct assessments, reviews, consideration of investigation reports and hearings by sub-committee. To ensure flexibility, Council authorised the Monitoring Officer 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).

- 10 It is a legislative requirement that all Sub-Committees of the Standards Committee be chaired by Independent Members

Reports to Meetings of the Council

- 11 Annual Council agreed that, given the unique relationship between the Council and the Standards Committee, and to maintain good practice, that the Standards Committee continues to provide reports to all Meetings of the Council (as appropriate).

Community Impact

- 12 These amendments to the Constitution seek to clarify elements of the constitution thus enable the public to understand more clearly what the Council and its partners are trying to achieve and how they work together to do that.

Financial Implications

- 13 There are none.

Legal Implications

- 14 The Constitution reflects the statutory requirements and guidance.

Risk Management

- 15 There are no risk management issues other than the need to ensure legal compliance.

Consultees

- 16 The Standards Committee considered a report on constitutional issues at their meeting on 16 April and submitted their comments to the CRWG for progression to the Annual Meeting.

Appendices

- 17 There are none

Background Papers

There are none