

Standards Committee

Minutes of the meeting held on 10 March 2008

Present:

The Right Worshipful, The Lord Mayor, Councillor Glynn Evans – In the Chair
Councillors Burns and Carroll.

Mrs E. Carmichael – independent member

ST/08/6 Minutes

Decision

To approve as a correct record the Minutes of the meeting held on 14 January 2008.

ST/08/7 Local Government and Public Involvement in Health Act

A report of the City Solicitor was submitted updating members on the Department of Communities and Local Government consultation paper on Orders and Regulations Relating to the Conduct of Local Authority Members in England; and provisions concerning the ethical framework under the Local Government and Public Involvement in Health Act 2007.

At the previous meeting the Committee considered the consultation paper on proposals for the new orders and regulations arising from the Local Government and Public Involvement in Health Act 2007 together with a draft response. The consultation included proposals for regulations on the local assessment of complaints, the size, composition and proceedings of standards committees and the sanctions available to standards committees. The consultation paper was circulated to all members of the Council on 7 January 2008 inviting them to comment on the proposals. The consultation period had now passed and a copy of the Council's response to the paper was submitted for consideration by the Committee.

The Assistant City Solicitor indicated that recommendations would need to be made to Council on 26th March 2008 to increase the number of members and independent members of the Committee in order that sufficient members were available to deal with the different stages of the local assessment process in relation to complaints. Members remained concerned that there needed to be a member who could be answerable to the Council for the work of the Committee, and it was suggested that an arrangement similar to that adopted for the joint authorities where a 'spokesperson' was designated for this purpose should be considered.

Decision

1. To note the response to the Department of Communities and Local Government consultation paper on Orders and Regulations Relating to the

Conduct of Local Authority Members in England.

2. To support the proposals for the appointment additional elected members and one additional independent member of the Standards Committee at the Council meeting on 26th March 2008, and to support also the nomination of a member to be answerable to the Council for the work of the Committee, on the basis of an arrangement similar to that adopted for the joint authorities where a 'spokesperson' is designated.
3. To note the need for member training in relation to the changes and the possibility of a Greater Manchester approach being adopted in partnership with other authorities.

ST/08/8 Independent Members of the Standards Committee

A report of the City Solicitor in relation to the arrangements for the appointment of independent members

The Committee noted that the Local Authorities (Standards Committee) Regulations 2001 provided for the size and make-up of standards committees, and for the appointment of parish and independent members. Authorities are required to have at least three members on their standards committee at least one of which must be an independent member. If there are more than three members on the committee at least 25% of the members must be independent. All standards committees must have an independent chair from 1 April 2008.

The terms of office of the Standard Committee's two current independent members, Elizabeth Carmichael and John Andrew Snadden will expire on 14 May and 16 May 2008 respectively, and the City Solicitor was making arrangements for the public advertisement inviting members of the public to apply for the positions of independent members of the Council's Standards Committee. The Committee noted that a report would be taken to the Constitutional and Nominations Committee on 26 March 2008 requesting that the Committee appoint a panel comprising the Lord Mayor, two elected members (one majority party and one opposition party) and the City Solicitor or her nominee to consider the applications received. The selection panel would then make recommendations to the Council in relation to the appointments to be made.

Decision

To note the arrangements for the advertisement and appointment of independent members.

ST/08/9 Politically Restricted posts

The Committee considered a report of the City Solicitor on the background to, and nature of, the Committee's new responsibilities in relation to politically restricted posts. The Committee was advised that Sections 202 and 203 of the Local Government and Public Involvement in Health Act 2007 which come into force on 1st April 2008 give new responsibilities to Standard Committees in relation to the determination of applications for exemption from political restriction by holders of politically restricted posts and the power to direct authorities to include posts on its list of restricted posts.

All employees of local authorities have traditionally been disqualified from standing for or being a member of the authority which employs them. However, before 1990 there was no restriction on employees of one authority being members of another authority. Following the publication of the wide-ranging Widdicome Committee of Inquiry into the Conduct of Local Authority Business, political restrictions were introduced on certain local government officers, including -

- the Head of the Paid Service (Chief Executive)
- Statutory Chief Officers, namely, the Director of Children's Services, the Director of Adult Social Services and the Chief Finance Officer
- Non-statutory Chief Officers – those officers reporting directly to the Head of Paid Service (excluding secretarial and clerical staff)
- Deputy Chief officers – those officers reporting directly to the statutory or non-statutory Chief Officers
- the Monitoring Officer
- political assistants
- any other person whose post is specified on a list maintained by the authority as meeting specific criteria, in particular. Officers on SCP44 and above and those regularly advising Council, the Executive or Committees, or regularly speaking to the media.

The holder of a politically restricted post may apply for exemption from political restriction. Applications are currently made to an independent adjudicator appointed by the Secretary of State but Section 202 of the 2007 Act transfers these powers to standards committees. The Committee noted that In carrying out its functions it must give priority, according to the time available before the election, to considering any application from a person who certifies that the application is made for the purpose of enabling them to be a candidate in a forthcoming election.

Decision

To note the new functions of the Committee.

ST/08/10 Standards Board for England – 7th Annual Assembly

The Committee noted that places had been reserved at the 7th Annual Assembly as requested at the previous meeting.

ST/08/11 NW Independent Members' Forum

The Committee received a report back from the Forum meeting held on 5th March 2008. Members suggested that consideration may need to be given to the establishment of a similar networking body for elected members of standards committees.

ST/08/12 Register of Interests and Gifts and Hospitality

The Register of Interests and Gifts and Hospitality was submitted for inspection.