

Standards Committee

Minutes of the meeting held on 5th August 2008

Present:

Mr J.A. Snadden – In the Chair
Councillors Burns, Mrs E. Carmichael, Evans, Firth, Mrs A. Isles, O'Callaghan,
Sandiford and Whitmore.

ST/08/18 Minutes

Decision

To approve as a correct record the minutes of the meeting held on 23rd June 2008.

ST/08/19 Assessment of Allegations of Breach of the Code of Conduct for Members

A report of the City Solicitor was submitted seeking the Standards Committee's approval of the procedure for assessment of allegations of breach of the code of conduct for members; to establish sub-committees as required by the Standards Committee (England) Regulations 2008 and approve the sub-committees' terms of reference.

The Committee noted the requirement to establish a sub-committee, chaired by an independent member, to undertake the assessment of allegations made under section 57A of the Local Government Act 2000. A differently constituted sub-committee, chaired by a different independent member, must also be established to consider any request made under section 57B of the Act for a review of any decisions to take no action in respect of the assessment of an allegation. The quorum for such sub-committees would be three members, including at least one elected member of the authority. A sub-committee to discharge the function of holding hearings in connection with investigations would also be necessary.

The Committee agreed the principle that the membership of each sub-committee should consist of one independent member as Chair, one member of the Majority Group and one member of the Opposition Group. The Committee was invited to consider allocating members to each of the sub-committees by establishing three panels, each consisting of a named independent member, one member of the Majority Group and one member of the Opposition Group with the panels meeting in consecutive order to form the next required sub-committee, whichever that may be. The Committee was asked to consider appointing a substitute for each of the panel members taking in account the possibility of conflicts of interest, and cover required in the event of holidays or sickness, and it was suggested this could be by rotation in the case of the three independent and the three Opposition Group members, and in the case of the four Majority Group members, by appointing the fourth Majority Group

member as a substitute for each of the Majority Group panel members and thereafter by rotation.

Decision

1. To agree the procedure for assessment of allegations of breach of the code of conduct for members set out in the Appendix to these minutes, together with the assessment criteria set out in the procedure, and to authorise the City Solicitor to keep the procedure under review and amend as necessary.
2. To establish the following sub-committees to undertake the assessment, review and hearing functions (i) the Standards (Assessment) Sub-Committee to assess allegations of breach of the code of conduct for members; (ii) the Standards (Review) Sub-Committee to consider requests for review of assessment decisions; and (iii) the Standards (Hearing) Sub-Committee to hold hearings.

Membership of the sub-committees will consist of the following panels meeting in consecutive order to form the next required sub-committee.

Panel A

Mr Snadden Chair
Councillors Burns* and Whitmore (*Councillor Ali as substitute)

Panel B

Mrs Carmichael, Chair
Councillors O'Callaghan* and Sandiford (*Councillor Ali as substitute)

Panel C

Mrs Isles, Chair
Councillors Evans* and Firth (*Councillor Ali as substitute)

Substitutes for the independent members and Opposition Group members to be by rotation. Substitutes for the Majority Group to be the fourth Majority Group member and thereafter by rotation.

3. To agree that temporary appointment of independent members may be made from time to time and to authorise the City Solicitor to prepare a procedure for such appointments on a temporary basis.
4. To authorise the City Solicitor to make consequential amendments to the Council's procedures for local investigation and determination of allegations of misconduct of members to reflect the implementation of the local filter.
5. To authorise the City Solicitor to prepare standard documentation based on the Standards Board for England's local assessment toolkit.

6. To agree the following terms of reference of the sub-committees referred to in Resolution (2) above –

Assessment Sub-Committee

Terms of Reference

Subject to relevant legislation and taking into account any guidance issued by the Standards Board for England with regard to assessment:

- i) The sub-committee will, subject to paragraph 2 below, assess written complaints received by the Council's Monitoring Officer on the appropriate complaints form for such purposes or such written complaints submitted by a letter/e-mail/fax setting out all the relevant information required on such Complaints Form.
- ii) The sub-committee will only have jurisdiction to consider written allegations that an elected or co-opted member of the Council may have failed, to comply with the Code of Conduct for Members.
- iii). The sub-committee is empowered to do any of the following:-
 - (a) decide that no action should be taken in respect of the allegation;
 - (b) ask for additional information from the complainant on the allegation before concluding the initial assessment;
 - (c) refer the allegation to the Council's Monitoring Officer, with an instruction that s/he arranges for an investigation of the allegation or directs that s/he arranges training, conciliation or such other appropriate action as might be permitted by the relevant legislation;
 - (d) refer the allegation to the Standards Board for England for investigation having considered the matters that the Standards Board for England takes into account when deciding which referrals to accept; or
 - (e) where the allegation is in respect of a person who is no longer a member of the Council, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other authority,

and shall authorise the Monitoring Officer to take all reasonable steps to implement its decision(s), and to notify the person making the allegation and the member concerned of that decision.

- iv) Composition - the Standards (Assessment) Sub Committee shall comprise of 3 members, including an independent member of the Standards Committee (who shall be Chair of the Sub-Committee) two elected members of the

Council, one labour and one liberal democrat.

- v) Quorum - the quorum for a meeting of the sub-committee shall be all three members.
- vi) Frequency of Meetings - the Standards (Assessment) Sub Committee will programme a meeting for each month, but will only meet if it needs to carry out an initial assessment of an allegation at that meeting.

Review Sub-Committee

Terms of Reference

Subject to relevant legislation and taking into account any guidance issued by the Standards Board for England with regard to review:

- i) Upon the written request of a person who has made an allegation that a member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct, the Standards (Review) Sub Committee will convene to review a decision of the Standards (Assessment) Sub Committee that no action is taken in respect of that allegation.
- ii) The Standards (Review) sub-committee is empowered to take all decisions as per paragraph 3 of the terms of reference of the Standards (Assessment) Sub Committee.
- iii) Composition - the sub-committee shall comprise of 3 members of the Standards Committee who were not members of the Standards (Assessment) Sub Committee who carried out the initial assessment of the subject complaint. One of the members of the sub-committee shall be an independent member of the Standards Committee (and Chair of the sub-committee) and two shall be elected members, one labour and one liberal democrat.
- iv) Quorum - the quorum for a meeting of the Standards (Review) Sub Committee shall be all 3 members.
- v) Frequency of Meetings - the Sub Committee shall meet as and when required to review any decision of the Standards (Assessment) Sub Committee within 3 months of the receipt of the request for such a review from the person who made the allegation.

Hearing Sub-Committee

Terms of Reference

Subject to relevant legislation and taking into account any guidance issued by the Standards Board for England with regard to hearings:

- i) In the event that a hearing of the Standards Committee is required, the Standards (Hearing) Sub-Committee shall be convened to hear and determine any allegation that a member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct.

- ii) Composition - the sub-committee shall comprise of 3 members of the Standards Committee. One of the members of the Standards (Hearing) Sub-Committee shall be an independent member (and Chair of the Sub-Committee) and two shall be elected members, one labour and one liberal democrat.
 - iii) Quorum - the quorum for a meeting of the Standards (Hearing) Sub-Committee shall be all 3 members.
 - iv) Frequency of Meetings - the Sub-Committee shall meet as and when required to hear and determine any allegation(s) against a member of the Council.
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- 7. To request the City Solicitor to schedule forward dates of meetings of the assessment, review and Hearings Sub Committees in each Council Cycle, with one meeting being scheduled at the rise of the Standards Committee.
 - 8. To invite all members of the Council to attend a seminar on the operation of the local filter arrangements to be held at the rise of the Standards Committee meeting on 8th September 2008.