

Standards Committee

Minutes of the meeting held on 11 January 2010

Present:

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

ST/10/1 Minutes

Decision

To approve as a correct record the minutes of the meeting held on 16th November 2009.

ST/10/2 Standards (Hearing) Sub Committee – terms of reference

A report of the City Solicitor was submitted proposing an amendment to the terms of reference of the Standards (Hearing) Sub-Committee.

The Committee had previously appointed sub committees to consider the assessment, review and hearing stages of any complaint of a breach of the Code of Conduct. Under the new system, following a (post-assessment) investigation by the Monitoring Officer the matter would initially pass to the 'consideration' stage of determination. At the consideration stage the Standards Committee (or rather, as envisaged by the guidance, a sub-committee of the Committee) would consider the report of the Monitoring Officer. However, under the current arrangements none of the established sub-committees have responsibility for carrying out the 'consideration' stage of the local determination, and that stage would currently need to be carried out by the full Committee.

Decision

1. To re-designate the Standards (Hearing) Sub Committee as the Standards (Consideration and Hearing) Sub Committee with the following terms of reference :-

Standards (Consideration and 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 the Monitoring Officer has carried out a local investigation (or has received a report from an Ethical Standards Officer), the Standards (Consideration and Hearing) Sub-Committee shall be convened to consider the Monitoring Officer's (or as the case may be, the Ethical Standards Officer's) report.

- ii. Should a hearing of the Standards Committee be required, the Standards (Consideration and 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.
 - iii. **Composition** - The sub-committee shall comprise of 3 members of the Standards Committee. One of the members of the Standards (Consideration and Hearing) Sub-Committee shall be an independent member (and Chair of the Sub-Committee) one member to be drawn from the Majority Group on the Council, and one member to be drawn from the Main Opposition Group.
 - iv. **Quorum** - The quorum for a meeting of the Standards (Consideration and Hearing) Sub-Committee shall be all 3 members.
 - v. **Frequency of Meetings** - The Sub-Committee shall meet as and when required to consider or to hear and determine any allegation(s) against a member of the Council.
2. To authorise the City Solicitor to make consequential amendments to the Council's procedure for local determination of allegations of misconduct of members to reflect the amended terms of reference, and to make explicit that the membership of each sub Committee shall comprise an independent member (and Chair of the Sub-Committee) one member to be drawn from the Majority Group on the Council, and one member to be drawn from the Main Opposition Group

ST/10/3 Politically Restricted posts

A report of the City Solicitor was submitted informing the Committee of the impact of changes to the law governing the designation of politically restricted posts. The Local Government and Public Involvement in Health Act 2007 gave the Committee responsibility to determine applications for exemption from political restriction by holders of such posts, and the power to direct the City Council to include posts on its list of restricted posts. The Local Democracy, Economic Development and Construction Act 2009 has changed the designation of politically restricted posts by removing the requirement for all posts over SCP 44 to be automatically designated as politically restricted, regardless of the postholder's duties. The report provided a summary of these changes, and described how the City Council was seeking to implement them, and how changes to the designation of politically restricted posts may impact upon the duties and powers of the Standards Committee in this regard.

Members highlighted the need for expeditious consideration of appeals against the Authority's decision to designate a post as politically restricted by virtue of their duties in the immediate run-up to an election, and especially prior to a bye election. It was suggested that such appeals should be dealt by the existing sub committee structure as a means of ensuring timely determination.

Decision

- 1. To note the report.

2. To amend the terms of reference of the Standards (Assessment) Standards

(Review) and Standards (Consideration and Hearing) Sub Committees, to delegate to each Sub Committee the powers of the Committee to consider and determine appeals against the Authority's decision to designate a post as politically restricted by virtue of the duties of the post.