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## Standards Committee

Report of the meeting held on 24th March 2004

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### Matters for Decision

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#### 16. REVIEW OF COUNCIL CONSTITUTION

By reference to a report by the Head of Administration (a copy of which is reproduced as an Appendix hereto) the Committee has undertaken its annual review of the operation and content of the Council's Constitution. The changes recommended by the Committee have arisen as a result of practical experience in the operation of the Constitution since its implementation in May 2002 and subsequent review in May 2003 and following comments received from the Cabinet, Panels, individual Members and Officers.

In the first instance, the Committee has noted that a series of minor changes will be required to the Constitution to correct minor typographical errors and to update the text –

- ◆ following further interpretation of the Local Government Act 2000 in respect of decision taking by Executive Councillors;
- ◆ to take account of the decision of the Employment Panel in respect of the re-designation of Chief Officers;
- ◆ to clarify the procedure set out in Section 10A of the Council Procedure Rules in respect of Petitions;
- ◆ to apply the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 which has extended the categories of exempt information to enable the Committee to consider allegations relating to a breach of the Code of Conduct in private session; and
- ◆ to reflect the adoption of various codes and protocols and a revised Members Allowances Scheme during the course of the year.

The Committee also has acknowledged the possibility of future changes to its terms of reference following an exercise currently being undertaken to determine the appropriate location of governance and financial responsibilities within the Constitution. A suggestion for the introduction of job descriptions for Councillors will be reviewed as part of the continuing development of support to Members.

In terms of a suggestion that declarations of interest be recorded at the commencement of a meeting rather than in advance of individual items, the Committee accepted that this would be dealt with as an

administrative procedure in consultation with the Chairman of the respective Panels/Committee.

Following detailed discussion on more fundamental changes proposed to the Constitution, the Committee

## **RECOMMEND**

- (a) that, on the understanding that an individual is willing to undertake the position, an Independent Member be invited to chair the Standards Committee with effect from the commencement of the Municipal Year 2004/05;**
- (b) that Independent Members be appointed to serve on the Committee for a term of four years from the date of their appointment;**
- (c) that, in the event of an Independent Member failing to attend a meeting or function associated with the Committee for a period of nine months, he or she be automatically disqualified from membership of the Committee;**
- (d) that, with regard to Rule 11.9 of the Council Procedure Rules – Rules of Debate, the mover of an amendment to a motion be entitled to a right of reply immediately prior to the right of reply of the mover of the original motion;**
- (e) that, with regard to Rule 12 of the Council Procedure Rules relating to the Annual State of the District Debate, arrangements be made to publicise future debates on the same basis as those made to advertise casual vacancies on the Council;**
- (f) that the Overview and Scrutiny Panels be invited to undertake a review of their methods of operation to overcome their request for the creation of a third panel and to report back on the outcome to a future meeting of the Committee;**
- (g) that no changes be made to the role of the Overview and Scrutiny Panels in relation to the development of the Council's budget and policy framework nor to the Overview and Scrutiny Procedure Rules other than to remind the Chairmen of the Overview and Scrutiny Panels of the opportunity provided by the Rules to invite members of the public to speak at meetings under the existing constitutional arrangements;**
- (h) that a scheme be introduced for the appointment of named substitute Members to attend meetings of the**

**Overview and Scrutiny Panels in accordance with the procedure set out in Annex A hereto;**

- (i) that the revised Codes of Financial Management and Procurement be adopted as set out in Annexes B and C hereto;**
- (j) that paragraph 4 (b) of the Officer Employment Procedure Rules be amended to require the Appointments Panel appointed by the Council to the include the relevant Executive Councillor in relation to the post to be filled as opposed to a named Member of the Cabinet;**
- (k) that a scheme for public question time be introduced at the commencement of the Council meeting in accordance with the procedure set out in Annex D hereto; and**
- (l) that the Director of Central Services be authorised to vary the constitution as recommended in paragraphs (a) – (k) above with a view to implementation with effect from 23rd June 2004.**

#### **17. LOCAL INVESTIGATION AND DETERMINATION OF MISCONDUCT ALLEGATIONS – CONSULTATION**

Local authorities have been awaiting, for some time, the issue of guidance and regulations relating to the treatment of complaints or allegations which may be referred by an Ethical Standards Officer for investigation and settlement locally. Consultation papers now have been issued relating to the arrangements by which local authority Monitoring Officers may investigate allegations of misconduct by Members that are referred to them.

Two separate consultation exercises are being undertaken upon which comments have been requested by 18th May 2004. In considering the papers, the Committee has approved a series of responses to specific questions raised by the Office of the Deputy Prime Minister and the Standards Board for England on a proposed framework for the local investigation and determination of complaints.

Although having made some detailed observations, the Committee has welcomed the acknowledgement by the Government of the scope for some alleged breaches of the code to be dealt with locally and is of the opinion that the guidance offered by the Standards Board for England and the amendment Regulations issued by the ODPM in this respect will prove valuable.

#### **18. APPLICATION FOR DISPENSATIONS**

Under the provisions of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002, the Committee has granted dispensations to speak and to vote to four Members of

Ellington Parish Council and to ten members of Upwood and the Raveleys Parish Council for the period ending 30th April 2007 to enable them to continue to participate in meetings of their respective Parish Councils when matters relating to Ellington Village Hall Management Committee and allotments for the poor of the Parish of Upwood arise at their meetings. Once again, the Committee has questioned whether it is prudent for all Members of a local council to act as trustees to a community facility on the basis that it might be in the better interests of a parish if other individuals unrelated to the local council were invited to act as trustees. The Committee has requested that this view be conveyed to the Upwood and the Raveleys Parish Council.

#### **19. STANDARDS – CURRENT ISSUES**

The Committee has noted the appointment of Mr David Prince as new Chief Executive to the Standards Board for England and the successful training event undertaken on Local Determination Regulations hosted by South Cambridgeshire District Council.

Having been advised that the third Annual Assembly of Standards Committees Conference is to take place at Birmingham on 13th and 14th September 2004, the Committee has authorised the Director of Central Services and Monitoring Officer to reserve places at the conference for the Chairman and Vice-Chairman of the Committee, a representative of the Opposition Group, an Independent Member and a Parish Council representative. Attendance at the conference, which on this occasion will address the practical application of the Code of Conduct will be confirmed, following the meeting of the Committee on 1st July 2004.

P J Brant  
Chairman