

**CHANGES TO THE CONSTITUTION – STANDARDS COMMITTEE
(Report by the Director of Central Services & Monitoring Officer)**

1. INTRODUCTION

1.1 The Standards Committee (England) Regulations 2008 came into force on 8th May 2008. In brief, the 2008 Regulations provide for –

- ◆ Standards Committees to establish a Referral (Assessment) Sub-Committee which will have responsibility for the initial assessment of allegations and determining whether a particular allegation should be investigated, and a Review Sub-Committee which will have responsibility for considering any requests from the complainant to review a decision of the Referrals (Assessment) Sub-Committee not to investigate a particular allegation;
- ◆ undertaking an initial assessment within 20 working days of receipt of an allegation;
- ◆ Standards Committees to be composed of at least 25% independent members and to be chaired by an Independent Member; and
- ◆ an increase in the maximum sanction available to Standards Committees from three months to six months suspension or partial suspension.

1.2 At their meeting held on 5th June 2008, the Standards Committee considered the arrangements necessary to respond effectively to the new Regulations and resolved specifically to –

- ◆ establish and appoint a Referrals (Assessment) Sub-Committee and a Review Sub-Committee both comprising one Independent Member, one Parish Council representative and one District Councillor and adopt a terms of reference for each Sub-Committee; and
- ◆ recommend that the Council appoint an additional Independent Member to serve on the Standards Committee for the remainder of the current four-year term to May 2011.

1.3 Other matters of an operational nature were delegated to the Director of Central Services and Monitoring Officer.

2. PROPOSED CHANGES TO THE CONSTITUTION

2.1 Implementation of the 2008 Regulations requires a series of changes to the District Council's Constitution. As the terms of reference of the Corporate Governance Panel includes responsibility for "oversight of the Council's constitutional arrangements and advising the Council of the changes that may be desirable", the following proposed amendments to the Constitution, to reflect the new 2008 Regulations, are presented to the Panel for approval prior to adoption by the Council –

Article 9 – Standards Committee (p27)

Item 2 - Membership

Delete paragraph one and insert –

“The Standards Committee shall comprise –

- ◆ 7 members of the Council (of whom one must be a member of the Cabinet) but excluding the Leader;
- ◆ 4* independent members who are not Councillors or Officers of the Council or any other local authority; and
- ◆ 3** town or parish councillors representing town and parish councils in the District.”.

(* *the question of an increase by one, from three to four Independent Members is subject to the resolution of the Council at their meeting to be held on 25th June 2008; and*

** *the question of an increase by one, from two to three parish council representatives was approved by Council on 14th May 2008.)*

Item 4 - Functions and Role

Delete bullet point 6 and insert –

- ◆ “Undertaking the assessment of complaints which allege breaches of the Members’ Code of Conduct and determining what action should be taken in respect of the allegation;”

Insert in addition –

- ◆ “determining requests from complainants to review decisions not to take action or to investigate an alleged breach of the Members’ Code of Conduct”;
- ◆ undertaking hearings into alleged breaches of the Members’ Code of Conduct;
- ◆ determining appropriate sanctions or actions in response to breaches of the Code of Conduct; and
- ◆ granting and supervising the exemptions of certain posts from political restrictions under the Local Government and Public Involvement in Health Act 2007”.

Article 12 – Officers (p33)

Item 4 – Functions of the Monitoring Officer

Delete (d) and (e) and insert –

“(d) **Local Assessment of Code of Conduct Complaints** – The Monitoring Officer shall discharge the functions in relation to the initial assessment and review of allegations of breaches of the Members’ Code of Conduct, act in accordance with the Monitoring Officer’s Protocol and convene and appoint Members to hearings as necessary;

- (e) **Conducting Investigations** – the Monitoring Officer will conduct investigations in matters referred by the Referrals (Assessment) Sub-Committee and make reports and recommendations in respect of them to the Standards Committee”.

Table 2 – Responsibility for Council Functions (p63)

Column 2 of the entry for the Standards Committee to be amended to read –

“7 members of the Council other than the Leader, 4* voting co-optees and 3** voting members appointed by town and parish councils in Huntingdonshire”.

(* *subject to the resolution of the Council at their meeting to be held on 25th June 2008.*

** *approved by Council on 14th May 2008.)*

To insert in Column 3 on page 64 under the heading “**Other Functions**” –

“Functions relating to the initial assessment of member misconduct and other requirements under the Standards Committee (England) Regulations 2008.

To grant and supervise exemptions of certain posts from political restriction under the Local Government and Public Involvement in Health Act 2007.”.

(Currently this latter function is delegated to the Chief Executive and Regulations on the transfer of the function to the Standards Committee are awaited from the Department of Communities and Local Government.)

2.2 **Part 5 – Codes and Protocols (p239)**

The role of the Monitoring Officer has increased significantly under the new Regulations. To ensure that the necessary arrangements to discharge the functions in relation to the initial assessment and review of allegations are effectively administered in accordance with a clear and transparent procedure, it is proposed that a Monitoring Officer protocol setting out the responsibilities and discretions of the Monitoring Officer be introduced and that this should form part of the District Council’s Constitution and inserted into Part 5 – Codes and Protocols. A proposed protocol is enclosed as an Appendix. The protocol refers, for example, to procedures for notifying Members who become subject to a Code of Conduct complaint, local resolution of complaints, how to deal with anonymous complaints, plus other matters relating to investigations.

3. RECOMMENDATION

- 3.1 That the Panel be requested to recommend the Council to approve the changes required to the Constitution as described in Section 2 of the report arising from the coming into force of the Standards Committee (England) Regulations 2008.

BACKGROUND PAPERS

The Council's Constitution.
Standards Committee Minutes – 5th June 2008.
Standards Committee (England) Regulations 2008.

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