

	<p style="text-align: center;">Standards Committee 24 June 2008</p> <p style="text-align: center;">Report from the Borough Solicitor</p>
<p>For Action Wards Affected: ALL</p>	
<p>Standards Sub-Committees</p>	

1. SUMMARY

- 1.1 This report asks members to agree to the creation of two new sub-committees of the Standards Committee. One will carry out the initial assessment of any allegation that a member has breached the Code of Conduct and the other will carry out any review of a decision not to investigate an allegation. This report also sets out the terms of reference for the sub-committees and asks member to appoint the members and the alternates to both sub-committees.

2. RECOMMENDATIONS

Members are asked to:-

- 2.1 Create two sub-committees of the Standards Committee:
- i) the Standards (Initial Assessment) Sub-Committee
 - ii) the Standards (Review) Sub-Committee

- 2.2 Agree the terms of reference for each sub-committee set out in **appendix 1**.
- 2.3 Agree that each sub-committee be made up of one member from each of the three largest political groups and that the Chair must be an Independent Member.
- 2.3 Appoint the members and the alternates of the sub-committees as set out in **appendix 2**.

3. DETAIL

Background

- 3.1 Members of this committee have previously received reports on the changes to the functions of the Standards Committee introduced by the Local Government and Public Involvement in Health Act 2007. The relevant change in this report is that the Committee now has three separate functions in relation to a complaint about a member's conduct.
 - a) Initial assessment of the complaint
The Committee must decide whether to refer to the complaint to the Monitoring Officer for investigation or other action, refer the complaint to the Standards Board for England or not to investigate the complaint.
 - b) Review of any decision not to investigate
Where the initial assessment is that the complaint should not be investigated then the person who submitted the complaint may ask for a review of the decision not to investigate. The Committee will then be required to make a fresh assessment of the complaint.
 - c) Substantive hearing into the complaint
The Committee will be required to act as a quasi judicial body and decide whether there was a breach of the Code of Conduct and if so what the appropriate sanction is.
- 3.2 The Standards Committee Regulations (England) 2008 require the creation of two separate sub-committees to carry out the initial assessment of a complaint and any review of a decision not to investigate. These regulations also prevent a member of the initial assessment sub-committee from being a member of the review sub-committee.

Creation of the sub-committees

- 3.3 Following extensive discussion at the Committee's meeting on 26 March 2008 the Committee recommended to the Council that it should create two sub-committees:
 - i) the Initial Assessment sub-committee

ii) the Review sub-committee

- 3.4 However it has subsequently been established that appointing sub-committees of the Standards Committee is a function of the Standards Committee not the Council. Members are therefore asked to formally create these two sub-committees.
- 3.5 Members are also asked to agree the terms the terms of reference for each sub-committee set out in **appendix 1**. Members should note that at the Council meeting on 19 of June 2008 the Council approved the draft of these terms of reference.
- 3.6 At the Committee's meeting on 26 March 2008 the Committee also recommended to Council that the sub-committees should be made up of four members with an Independent Chair. Members are therefore asked to agree that the sub-committees will consist of four members; one from each of the three largest political groups with an Independent Member as the Chair.

Appointments to the sub-committees

- 3.7 Some of the alternates to the main committee will have to be appointed as members and/or alternates of the sub-committees because each sub-committee consists of three elected members and one Independent Member but the main committee only has three elected members and two Independent Members.
- 3.8 Members are reminded that leading Counsel's advice was that alternates to the Standards Committee can be appointed as members of or alternates of the sub-committees of the Standards Committee.
- 3.9 Members are asked to appoint the members and the alternates to each of the new sub-committees as set out in **appendix 2**. Members are also asked to appoint the Independent Member of each sub-committee as the Chair.
- 3.10 A sub-committee must have at least three members; including an Independent Member and at least one elected member present to be quorate.
- 3.11 Meetings of the sub-committees, in particular the initial assessment sub-committee, will be called at short notice and first and second alternates have been appointed to the sub-committees to retain as much flexibility as possible in the membership of the sub-committees.
- 3.12 Any member who sits on an initial assessment sub-committee is not eligible to be on the review sub-committee for any review of that decision not to investigate an allegation.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from the creation of, or appointments to, the new sub-committees.

5. STAFFING IMPLICATIONS

- 5.1 There are no direct staffing implications arising from this report. However extra meetings and hearings of the Standards Committee will impact the Borough Solicitors Officer and on Democratic Services Officers who are the officers that provide support to the Standards Committee.

6. DIVERSITY IMPLICATIONS

- 6.1 Officers believe that there are no specific diversity implications arising from this report.

7. LEGAL IMPLICATIONS

- 7.1 The legal implications are dealt with as they arise in the report.

Background Information

Local Government and Public Involvement in Health Act 2007
The Standards Committee Regulations (England) 2008

Should any person require any further information about the issues addressed in this report, please contact Dan Bonifant on 0208 937 1368.

Terry Osborne
Borough Solicitor

Appendix 1

STANDARDS (INITIAL ASSESSMENT) SUB-COMMITTEE

Membership

- The sub-committee is comprised of 4 members
- All members must be members of the Standards Committee
- At least one member must be an Independent Member, as defined in section 53 of the Local Government Act 2000 and the Relevant Authorities (Standards Committee) Regulations 2001.
- 3 members shall be elected councillors (one from each of the three largest political groups).
- No more than 1 member of the Executive may be a member of the sub-committee.
- The Chair shall be the Independent Member
- The quorum must include an Independent Member, unless the Independent Member is required to withdraw from the meeting because of a prejudicial interest and must include at least one elected councillor.

Terms of Reference

1. To receive allegations that a member (including a co-opted member or Independent Member) failed, or may have failed, to comply with the Council's Code of Conduct and to then decide whether:
 - a) To refer the complaint to the Monitoring Officer for investigation or for some other action
 - b) To refer the complaint to the Standards Board for England; or
 - c) To take no further action.
2. To perform any other function included from time to time in section 57A of the Local Government Act 2000.

STANDARDS (REVIEW) SUB-COMMITTEE

Membership

- The sub-committee is comprised of 4 members
- All members must be members of the Standards Committee
- At least one member must be an Independent Member, as defined in section 53 of the Local Government Act 2000 and the Relevant Authorities (Standards Committee) Regulations 2001.
- 3 members shall be elected councillors (one from each of the three largest political groups).
- No more than 1 member of the Executive may be a member of the sub-committee.
- The Chair shall be the Independent Member
- The quorum must include an Independent Member, unless the Independent Member is required to withdraw from the meeting because of a prejudicial interest and must include at least one elected councillor.

Terms of Reference

1. To receive applications for a review of a decision by the Standards (Initial Assessment) Sub-Committee that no further action should be taken in respect of an allegation that a member (including a co-opted member or Independent Member) failed, or may have failed, to comply with the Council's Code of Conduct and to then to decide whether:
 - a) To refer the complaint to the Monitoring Officer for investigation or for some other action
 - b) To refer the complaint to the Standards Board for England; or
 - c) To take no further action.
2. To perform any other function included from time to time in section 57B of the Local Government Act 2000.

Appendix 2

Standards (Initial Assessment) Sub-Committee

	Conservative	Labour	Lib Dems	Independent Member
Sub-committee				
1 st Alternate				
2 nd Alternate				

Standards (Review) Sub-Committee

	Conservative	Labour	Lib Dems	Independent Member
Sub-committee				
1 st Alternate				
2 nd Alternate				