

STANDARDS COMMITTEE

28TH APRIL 2008

LOCAL ASSESSMENT – COMPOSITION OF THE STANDARDS COMMITTEE AND CREATION AND COMPOSITION OF SUB-COMMITTEES

DECISION OF THE COUNCIL AND RECOMMENDATIONS TO THE STANDARDS COMMITTEE

At the meeting of the Council held on 23rd April 2008 consideration was given to a report of the Head of Legal, Equalities and Democratic Services which, inter alia, proposed amendments to the operation of the Standards Committee

The Portfolio Holder for HR and Legal, Equalities and Democratic Services referred to the Standards Committee (England) Regulations 2008 which had only been published a few days earlier and contained unexpected provisions which required the report recommendations to be varied to take account of these. The Regulations provided that there must be a minimum of two parish council representatives on the Standards Committee and that it was for the Standards Committee (rather than the Council) to determine the size, composition and terms of reference of its sub-committees. The new regime would come into force on 8th May 2008

The decision of the Council was as follows:

RESOLVED:

- (a) that with effect from 8th May 2008, the Articles of the Constitution be amended in relation to the membership of the Standards Committee by including a second Parish Representative; that none of the two Parish Representatives and the nominated substitute Parish Representative should be members of the same parish council; and that officers be tasked with exploring whether Parish Council Representatives be restricted to elected members not co-opted councillors;
- (b) that the Articles be amended to provide that the Standards Committee and its sub-committees must be chaired by an Independent Member, to take effect from 8th May 2008;
- (c) that the Articles be amended to include the new functions of the Standards Committee of assessment and review of assessment decisions, to take effect from 8th May 2008;
- (d) that the Articles be amended to provide that the functions of assessment, review of assessment decisions and final determinations are to be undertaken by sub-committees, to take effect from 8th May 2008;

- (e) that the Articles be amended to permit nominated trained substitutes for elected Members sitting on the Standards Committee, to take effect from 8th May 2008.
- (f) that over the next twelve months officers be tasked with exploring the possibility of delivering Option 3 (Filtering by Neighbouring Authority as referred to in Appendix 1 to the report) as an alternative for the Council to consider when determining the most appropriate mechanism for managing the local assessment procedure;
- (g) **that a recommendation be made to the Standards Committee that with effect from 8th May 2008:**
 - (i) three sub-committees are formed to perform the functions of assessment, review of assessment decisions and final determinations and the Standards Committee is requested to draft terms of reference appropriately;
 - (ii) membership of those sub-committees should be as follows (for ease of reference this is also set out on the attached diagram):

Assessment Sub-Committee – 3 Members (1 Independent Member (Chairman), 1 Elected Member, 1 other member who should be a Parish Representative if the subject member is a parish councillor)

Review Sub-Committee – 3 Members (1 Independent Member (Chairman), 1 Elected Member, 1 other member who should be a Parish Representative if the subject member is a parish councillor)

Final Determination Sub-Committee – 5 Members (1 Independent Member (Chairman), 1 Elected Member, 3 other members (one of which must be a Parish Representative if the subject member is a parish councillor); where a matter is referred from the Review Sub-Committee for final determination, the Final Determination Sub-Committee must include one member who sat on the Assessment Sub-Committee, one member who sat on the Review Sub-Committee and at least one member who sat on neither of those sub-committees.