

Committee Standards Committee	Date 12th June 2012	Classification Unrestricted	Report No.	Agenda Item No.
Report of: Service Head, Democratic Services Originating Officer(s): Simone Scott-Sawyer		Title Standards Committee – Membership, Terms of Reference and Programme of Meetings 2012/13 Ward(s) affected: All		

1. SUMMARY

- 1.1 This report sets out for the Committee’s information the membership, terms of reference and programme of meetings of the Standards Committee and Standards Advisory Committee for the municipal year 2012/13.

2. RECOMMENDATION

- 2.1 That the report be noted.

**LOCAL GOVERNMENT ACT, 1972 SECTION 100D (AS AMENDED)
LIST OF “BACKGROUND PAPERS” USED IN THE PREPARATION OF THIS REPORT**

Brief description of “background paper”

Name and telephone number of holder
and address where open to inspection

No unpublished background papers

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3. BACKGROUND

- 3.1 The Standards Committee was re-established by the Council at its Annual meeting held on Wednesday 16th May 2012. This report details the membership and terms of reference of the Committee and its programme of meetings until 30th June 2012.
- 3.2 Following changes to the Standards regime in the Localism Act 2011, a new Standards Advisory Committee will come into existence from 1st July 2012. This report details the membership and terms of reference of the Committee and its programme of meetings for the forthcoming municipal year.

4. COMPOSITION (STANDARDS COMMITTEE)

a) Membership:

The Council has agreed that the Standards Committee will be composed of:

- Six Councillors (who may not include the Mayor or more than one other Cabinet Member), numbering three from the majority group on the Council, two from the largest minority group and one from another minority group; and
 - nine suitable persons (“Independent Members”) who are not Councillors or officers of the Council or Members of any other body having a Standards Committee and who are not related to or have a close friendship or relationship with any Councillor or officer of the Council.
- b) Independent Members are appointed by the Council for a three year term of office subject to confirmation at the Annual Council meeting. The Independent Members retire on a rolling basis. An independent Member who has completed a three year term may apply to serve a further term or terms. Independent Members are entitled to vote at meetings of the Standards Committee.
- c) Chairing the Committee
- A member of the Executive may not chair the Standards Committee. The Council has agreed that the Chair and the Vice Chair of the Committee will be Independent Members.

5. CURRENT MEMBERSHIP (STANDARDS COMMITTEE)

- 5.1 The Annual Meeting of the Council held on 16th May 2012 appointed the following Councillors to membership of the Committee:

<u>Members</u>	<u>Group</u>	<u>Deputies</u>
Councillor Carli Harper-Penman	Labour	Councillor Joshua Peck, Councillor Amy Whitelock and Councillor Anwar Khan
Councillor Zenith Rahman	Labour	“
Councillor Rachael Saunders	Labour	“
Councillor Zara Davis	Conservative	Councillor Gloria Thienel

Councillor Peter Golds	Conservative	“
Vacancy	Respect	-

5.2 The following Independent Members of the Committee were re-appointed by the Council on 16th May 2012 to serve until 30th June 2012 or until the Committee is dis-established if later:

Mr Barry O'Connor
Mr Barry Lowe
Mr Matthew Rowe
Ms Salina Bagum
Ms Sue Rossiter
Mr Denzil Johnson
Mr Eric Pemberton
Two vacancies

The Chair and Vice-Chair will be appointed from the above Independent Members of the Committee.

5.3 The quorum for meetings of the Standards Committee and for each of its sub-committees is three of the total membership and this must include at least two Independent Members, one of whom shall Chair the meeting.

6 COMPOSITION (STANDARDS ADVISORY COMMITTEE)

a) Membership:

The Council has agreed that the Standards Advisory Committee will be composed of:

- Seven Councillors (who may not include the Mayor or more than one other Cabinet Member), appointed in accordance with proportionality rules; and
- up to seven co-opted Members (non-voting).

b) The current seven Standards Committee Independent Members were re-appointed as Co-optees to the Standards Advisory Committee by the Council for a four year term of office subject to confirmation at the Annual Council meeting. Co-opted Members may serve as many terms of appointment as the Council considers appropriate. A person may not be appointed as a Co-opted Member of the Standards Advisory Committee or one of its sub-committees unless the appointment is approved by Full Council.

c) Chairing the Committee

The Council has agreed that the Chair and the Vice Chair of the Committee will be Co-opted Members.

7. CURRENT MEMBERSHIP (STANDARDS ADVISORY COMMITTEE)

7.1 The Annual Meeting of the Council held on 16th May 2012 appointed the following Councillors to membership of the Committee:

<u>Members</u>	<u>Group</u>	<u>Deputies</u>
Councillor Carli Harper-Penman	Labour	Councillor Joshua Peck, Councillor Amy Whitelock and Councillor Anwar Khan
Councillor Rachael Saunders	Labour	“
Councillor Sirajul Islam	Labour	“
Councillor David Edgar	Labour	“
Councillor Zara Davis	Conservative	Councillor Gloria Thienel and Councillor David Snowdon
Councillor Rania Khan	Independent	-
Vacancy	Respect	-

7.2 The following Co-opted Members of the Committee were appointed by the Council on 16th May 2012:

Mr Barry Lowe (appointed until May 2016)
Mr Matthew Rowe (appointed until May 2016)
Ms Salina Bagum (appointed until May 2016)
Mr Barry O'Connor (appointed until May 2016)
Ms Sue Rossiter (appointed until May 2016)
Mr Denzil Johnson (appointed until May 2016)
Mr Eric Pemberton (appointed until May 2016)

The Chair and Vice-Chair will be appointed from the above Co-opted Members of the Committee.

7.3 The quorum for meetings of the Standards Advisory Committee and for each of its sub-committees is three of the total membership and this must include at least two Co-opted Members, one of whom shall Chair the meeting.

8. TERMS OF REFERENCE (NB: These draft terms of reference are subject to change by the Council on 18th June 2012)

The Council using the powers under section 102(4) of the Local Government Act 1972 has established a Standards Advisory Committee.

The Standards Advisory Committee shall have the power to create Sub-Committees in order to discharge its advisory role.

Composition

The Standards Advisory Committee shall be comprised of Members of the Council, appointed by the Council in accordance with the requirements of political proportionality; and up to seven persons who are not Members or officers of the Council or any other relevant authority (i.e. Co-opted members.)

The Co-opted member(s) will be entitled to vote at meetings under the provisions of S13 (4) (e) of the Local Government and Housing Act 1989.

The Committee shall establish Hearing Sub-Committees in accordance with these terms of reference.

Appointment of Co-Opted Members

A person may not be appointed as a Co-opted member of the Standards Advisory Committee or one of its sub-committees unless the appointment is approved by Full Council.

The term of appointment shall be for four years unless otherwise determined by Full Council or the Co-optee does not continue to fulfil any required conditions as may be determined by the Authority from time to time. Co-opted members may serve as many terms of appointment as the Council considers appropriate.

Role and Function

The Standards Advisory Committee has the following roles:

- a. To recommend to the Monitoring Officer whether complaints of a breach of the Members Code of Conduct should be referred for investigation by the Monitoring Officer or an investigator appointed by the Monitoring Officer where the Monitoring Officer considers it appropriate to refer the complaint to the Standards Advisory Committee for consideration,
- b. To receive reports from the Monitoring Officer on the numbers of complaints of the Code received, the decisions taken by the Monitoring Officer (in consultation with the Independent Person) on such complaints and investigation outcomes where the investigation determines there was no evidence of a failure to comply with the code or where the investigation outcome recommends a local resolution.
- c. To convene a Hearings Sub-Committee or at least 3 Members of the Standards Advisory committee to consider any matter where the investigation finds evidence of a failure to comply with the Code and a local resolution is not possible or appropriate.
- d. To make such recommendations as the Hearings Sub-Committee considers appropriate as a result of any matter referred including:
 - Reporting its findings to Council for information;
 - Recommending to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) removal from any or all Committees or Sub-Committees of the Council;
 - Recommending to the Mayor removal from the Executive, or from particular Portfolio responsibilities;
 - Recommending the Monitoring Officer arrange training for the member;
 - Recommending removal from outside appointments to which he/she has been appointed or nominated;

- Recommending withdrawing facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;
 - Recommending excluding the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Executive Committee and Sub-Committee meetings;
 - Recommending the Member to contact the Council via specified point(s) of contact.
- e. Promoting and maintaining high standards of conduct by Members of the Council, co-opted members and church and parent governor representatives and where the Committee considers that there may be issues of concern recommending that the Monitoring Officer considers and reports on the issues raised.
 - f. Assisting Members of the Council, co-opted members and church and parent governor representatives to observe the Council's Code of Conduct for Members;
 - g. Advising the Council on the adoption or revision of the Code of Conduct for Members;
 - h. Monitoring the operation of the Code of Conduct for Members;
 - i. Advising, training or arranging to train Members of the Council, co-opted members and church and parent governor representatives on matters relating to the Code of Conduct for Members:
 - j. To act as an advisory body in respect of any matters referred to the Standards Committee by the LSP or Community Forums in respect of probity issues arising out of the codes and protocols applicable to relevant members of the LSP and Community Forums as set out in the Community Forum handbook and as may be amended from time to time.
 - k. Advice on allegations of Member breaches of the Protocols set out in the constitution as maybe referred to the Committee by the Monitoring Officer and to make recommendations with regard to such allegations as maybe so referred.
 - l. Advising on local protocols for both Officer and Member governance.
 - m. To monitor and review Member and Officer Procedures for Register of Interests and declaring gifts and hospitality.
 - n. To receive periodic reports on the Council's Ethical Governance arrangements, on whistle blowing arrangements and complaints.
 - o. As requested by the Monitoring Officer, to advise on any applications for dispensations in relation to participation at a meeting by a member with a Disclosable Pecuniary Interest.

Validity of proceedings

A meeting of the Standards Advisory Committee or one of its sub-committees shall only be quorate where at least three members of the Committee or sub-committee are present for its duration.

Part VA of the Local Government Act 1972 applies in relation to meetings of the Standards Advisory Committee or its sub-committees as it applies to meetings of the Council.

Hearing Sub-Committee

Any Hearing Sub-Committee shall comprise a minimum of 3 Members of the Standards Advisory Committee at least 1 of whom shall be a co-opted Member.

The Hearing Sub-Committee shall consider complaints referred to it that an elected or co-opted Member of the Council may have failed to comply with the Council's Code of Conduct for Members or local protocol where the complaint has been subject to an investigation arranged by the Monitoring Officer and shall make recommendations accordingly. The Hearings Sub Committee shall decide at the outset of the meeting whether it is in the public interest that the Hearing is held in a public or private session in accordance with relevant statutory guidance as advised by the Monitoring Officer.

Attendance Requirements

At any meeting when any Member of the Committee is unable to attend, the meeting shall consider whether they shall condone the non-attendance. The Member concerned shall be notified of the Committee's decision in connection with their non-attendance.

If the Committee has condoned non-attendance for the same Member for at least two consecutive meetings then in the event of further consecutive non-attendance at a meeting the Committee shall (a) if it is an Elected Member decide whether it is appropriate for them to inform the relevant group of the non-attendance or (b) if it is an independent Member decide if they should inform the Council that a vacancy has arisen.

The Committee shall not declare such a vacancy has arisen without first giving the absent Member an opportunity to make representations (which may be made in writing) as to their non-attendance and any matters they wish the Committee to take into account.

Procedures

The Committee shall agree a set of procedures to enable it to discharge the arrangements under these Terms of Reference.

9. DATES OF MEETINGS 2012/13

9.1 The Council has agreed a schedule of dates for Council, Cabinet and Committee meetings and the following are the scheduled dates for the ordinary meetings of the Standards Advisory Committee during the current municipal year:-

- Tuesday 17th July 2012 at 7.30 p.m.
- Tuesday 9th October 2012 at 7.30 p.m.
- Tuesday 15th January 2013 at 7.30 p.m.
- Tuesday 16th April 2013 at 7.30 p.m.

The final Standards Committee will meet on Tuesday 12th June 2012.

10. COMMENTS OF THE CHIEF FINANCIAL OFFICER

10.1 There are no direct financial implications arising from this report.

11. CONCURRENT REPORT OF THE CHIEF LEGAL OFFICER

11.1 Pursuant to section 53 of the Local Government Act 2000, the Council is required to establish a Standards Committee. Under section 54 of the same Act, the functions of that committee shall be to promote standards of conduct by Members and such other functions as considered appropriate. The current roles and functions are set out in the Council's Constitution.

11.2 The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by the full Council on 18th May 2011.

11.3 The Localism Act 2011 introduces a number of changes to the Standards regime. The Council has amended its own arrangements in line with those, including the establishment of a Standards Advisory Committee.

12. ONE TOWER HAMLETS IMPLICATIONS

12.1 There are no anti poverty or equal opportunity implications arising from this report.

13. RISK ASSESSMENT

13.1 A robust Standards Committee is essential in ensuring the resilience of the Council's ethical framework.