

Committee Standards Advisory Committee	Date 17th July 2012	Classification Unrestricted	Report No.	Agenda Item No.
Report of: Service Head, Democratic Services Originating Officer(s): Simone Scott-Sawyer		Title Standards Advisory Committee – Membership, Terms of Reference, Programme of Meetings and Establishment of Sub-Committees 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 Advisory Committee for the municipal year 2012/13; and invites the Committee to establish Sub-Committees in accordance with the Standards arrangements agreed by the Council.

2. RECOMMENDATIONS

- 2.1 That the report be noted.
- 2.2 That the Standards Advisory Committee establish the following sub-committees for the municipal year 2012/13, to be convened as required on an ad hoc basis with membership agreed by the Monitoring Officer from amongst the members of the Standards Advisory Committee, including in each case a minimum of three members, at least two of whom shall be co-opted members in accordance with the arrangements agreed by the Council:-
- Investigation and Disciplinary Sub-Committee
 - Hearing Sub-Committee
 - Dispensations Sub-Committee

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No unpublished background papers

N/A

3. BACKGROUND

3.1 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 ADVISORY COMMITTEE)

a) Membership:

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

- 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) Six of the seven previous 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.

The seventh Independent Member (and Chair) of the former Standards Committee, Mr. Barry O'Connor, was appointed as the interim 'Independent Person' under the new Standards arrangements agreed by the Council and has therefore not been appointed as a co-opted member of the Standards Advisory Committee. Mr. O'Connor will however be invited to attend the Committee's meetings as an observer.

c) Chairing the Committee

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

5. CURRENT MEMBERSHIP (STANDARDS ADVISORY 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 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	-

5.2 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)
Ms Sue Rossiter (appointed until May 2016)
Mr Denzil Johnson (appointed until May 2016)
Mr Eric Pemberton (appointed until May 2016)
(one vacancy)

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

5.3 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 one councillor and one Co-opted Member. A co-opted member shall Chair the meeting.

6. **TERMS OF REFERENCE**

The Council using the powers under section 102(4) of the Local Government Act 1972 have 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 (not including the Mayor or more than one Cabinet Member), 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 Hearings and other 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 or not any complaint of a breach by the Mayor, a Councillor or a co-opted member of the Members Code of Conduct should be referred for investigation by the Monitoring Officer or an investigator appointed by the Monitoring Officer; and where a complaint has been subject to such investigation, to recommend whether or not the complaint should proceed to hearing. Where the Monitoring Officer considers that a complaint should not be subject to investigation or should not proceed to hearing, s/he shall convene an Investigation and Disciplinary Sub-Committee of the Standards Advisory Committee which shall make the final decision on the matter;
- b. To receive regular quarterly 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 of three Members of the Standards Advisory Committee comprising two of the co-opted members and one Councillor 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 to Council in respect of the matter 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. To convene a Hearings (Appeal) Sub-Committee of at least three different Members of the Standards Advisory Committee (comprising two of the co-opted members and one Councillor) to consider any appeal against a finding of, or sanction recommended by, the Hearings Sub-Committee;
- f. To receive reports on compliance with any recommendation(s) made for sanctions to be applied in respect of any member.
- g. Promoting and maintaining high standards of conduct by the Mayor, Members of the Council, co-opted members including church and other faiths 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.
- h. Assisting the Mayor, Members of the Council, co-opted members including church and other faiths and parent governor representatives to observe the Council's Code of Conduct for Members;
- i. Advising the Council on the adoption or revision of the Code of Conduct for Members;
- j. Monitoring the operation of the Code of Conduct for Members;
- k. Advising, training or arranging to train the Mayor, for Members of the Council, co-opted members including church and other faiths and parent governor representatives on matters relating to the Code of Conduct for Members:
- l. To act as an advisory body in respect of any matters referred to the Standards Committee by the Local Strategic Partnership (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.
- m. To advise on allegations of Member breaches of the Protocols set out in the constitution as may be referred to the Committee by the Monitoring Officer and to make recommendations with regard to such allegations as may be so referred.
- n. Advising on local protocols for both Officer and Member governance.
- o. To monitor and review Member and Officer Procedures for registering interests and declaring gifts and hospitality.
- p. To receive periodic reports on the Council's Ethical Governance arrangements, on whistle blowing arrangements and complaints; and
- q. As requested by the Monitoring Officer, to establish a Dispensations Sub-Committee 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 and such quorum must include at least one councillor and at least one co-opted member.

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.

Hearings Sub-Committee and Hearings (Appeal) Sub-Committee

Any Hearings Sub-Committee or Hearings (Appeal) Sub-Committee shall comprise a minimum of three Members of the Standards Advisory Committee at least two of whom shall be co-opted members.

The Hearings Sub-Committee shall consider complaints referred to it that the Mayor, 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.

The membership of the Hearings (Appeal) Sub-Committee shall not include any member who served on the Hearings Sub-Committee that considered the same complaint.

The Independent Person, or if that person is unable to act a reserve Independent Person, shall have the right to attend all meetings of the Hearings Sub-Committee or Hearings (Appeal) Sub-Committee as an observer but may not vote or participate in the decision making..

Attendance Requirements

In the event that any Member of the Committee does not attend three or more consecutive meetings of the Committee, the Committee may draw the attention of the Council to such non-attendance and may recommend that the member concerned be replaced on the Committee.

The Committee shall not do so 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.

Confidentiality

The Committee and any of its Sub-Committees may meet in private in accordance with the relevant legislation as advised by the Monitoring Officer. Any meeting or part of a meeting that considers whether or not a complaint should be referred for investigation or, following an investigation should proceed to hearing, shall be held in private and all papers relating to that consideration shall remain confidential.

7. DATES OF MEETINGS 2012/13

7.1 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.

8. COMMENTS OF THE CHIEF FINANCIAL OFFICER

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

9. CONCURRENT REPORT OF THE CHIEF LEGAL OFFICER

9.1 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.

9.2 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.

10. ONE TOWER HAMLETS IMPLICATIONS

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

11. RISK ASSESSMENT

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