

## **Agenda Item: 13**

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**Meeting:** Standards Committee

**Date:** 1 May 2009

**Subject:** Workplan for 2009/10

**Report of:** Monitoring Officer

**Summary:** To seeks views and receive comments on a workplan for the Standards Committee for 2009/10

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**Contact Officer:** Mrs Barbara Morris, Assistant Director Legal & Democratic/Monitoring Officer  
Tel: 01462 611028

**Public/Exempt:** Public

**Wards Affected:** All

**Function of:** Non-executive

**Reason for urgency (if appropriate)** N/A

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### **RECOMMENDATIONS:**

- 1. That the Committee approve the Workplan 2009/10 as set out at Appendix "A" to this report.**

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### **Workplan**

1. Members will be aware of the continual need to ensure that high standards of conduct and ethical governance is maintained within the Authority. In order to continue with this culture it is useful if the Committee have a workplan to ensure progress is continually made.
2. Members will be aware that the main role of the Standards Committee is to promote and maintain high standards of conduct throughout its authorities and within the Town and Parish Councils. The aim of the Committee is to create a sense of ethical well being. One way of achieving this is to ensure that training and development is offered to all Members of the Authority and to Town and Parish Councils within the area. Members will be aware that there are some 70 Town and Parish Councils which now fall within the remit of Central Bedfordshire Council.
3. Standards Committees, and indeed Monitoring Officers, are at the heart of the standards framework. They promote, educate and support Members in following the high standards of conduct and ensuring that those standards are fully owned locally.

4. To remind Members the main functions of the Committee are as follows:-
  - (a) Main Functions
    - Promote and maintain high standards of conduct for Members.
    - To help Members follow the Code of Conduct
  - (b) Specific Functions
    - To give the Council advice on adopting and reviewing of the local Code
    - To monitor the effectiveness of the Code
    - To train Members on the Code or arrange such training
    - To assess and review complaints about Members
    - To conduct determinations, hearings
    - To grant dispensations to Members with prejudicial interest
    - To grant exceptions to politically restricted posts
    - Monitoring and advising the Council upon the contents and requirements of codes and protocols relating to standards.
5. The Standards Committee's Terms of Reference in the Central Bedfordshire Council Constitution are set out at Appendix "A" to this report.
6. Set out at Appendix "B" is a suggested workplan for the Committee which Members are asked to comment on and review.

### Conclusion

7. Following the adoption of the workplan, the continuing of a good governance culture will be developed.

<b>CORPORATE IMPLICATIONS</b>
<p><b>Council Priorities:</b> Contributes to all Council priorities to ensure good governance</p> <p><b>Financial:</b> None</p> <p><b>Legal:</b> To ensure that continued training and development is offered to ensure high ethical standards are maintained in accordance with the Local Government Act 2000 and the Local Government and Public Involvement in Health Act 2007</p> <p><b>Risk Management:</b> N/A</p> <p><b>Staffing (including Trades Unions):</b> N/A</p>

**Equalities/Human Rights:**

N/A

**Community Development/Safety:**

N/A

**Sustainability:**

N/A

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Location of papers: Priory House, Chicksands

**F1 THE STANDARDS COMMITTEE****1. Composition of Standards Committee**

<b>Appointed by</b>	The Council, in accordance with Section 53 of the Local Government Act 2000.  Appointment of independent and Town/Parish councillor members shall be approved by full Council.
<b>Number of Members</b>	5 independent members 5 Central Bedfordshire Councillors 5 Town/Parish councillors  The Executive Leader must not be a member of the committee.
<b>Chairman and Vice-Chairman</b>	<ol style="list-style-type: none"> <li>1. The Chairman will be an independent member and shall be elected by the committee.</li> <li>2. There will be two Deputy Chairmen, one of whom shall be elected by the committee from the independent membership of the committee, and one of whom shall be elected by the committee from the Central Bedfordshire councillor membership of the committee.</li> <li>3. The independent Deputy-Chairman shall deputise for the independent Chairman in his or her absence.</li> <li>4. The Central Bedfordshire Deputy-Chairman shall move at Council meetings recommendations from the Standards Committee.</li> </ol>
<b>Substitutes</b>	Substitutes are not permitted for the Standards Committee.
<b>Political Proportionality</b>	Rules of political proportionality do not apply.
<b>Quorum</b>	At least 50% of the total membership of the committee including at least one independent member, and at least one Town/Parish Councillor member when considering Town/Parish issues.
<b>Frequency</b>	Quarterly.

<b>Venue</b>	As set out in the approved Calendar of Meetings.
<b>Co-opted members</b>	At least 25% of Members of the Standards Committee are required to be independent members.

## 1.1 Role and Function

The Standards Committee will have the following roles and functions:

- 1.1.1 promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives.
- 1.1.2 assisting councillors and co-opted members (and church and parent governor representatives) to observe the Members' Code of Conduct.
- 1.1.3 advising the Council on the adoption or revision of the Members' Code of Conduct.
- 1.1.4 monitoring the operation of the Members' Code of Conduct.
- 1.1.5 advising, training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct.
- 1.1.6 assessing and reviewing and determining complaints about members of the Council, co-opted members and members of Town and Parish Councils.
- 1.1.7 granting dispensation to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct.
- 1.1.8 granting exemptions for politically restricted posts.
- 1.1.9 monitoring and advising the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council.

## 2. Composition and Terms of Reference of Standards Sub-Committees

<b>Appointed by</b>	The Standards Committee under Section 57A and B of the Local Government Act 2000.
<b>Number of Members</b>	3 members appointed by the Monitoring Officer from a panel comprising all members of the Standards Committee. The sub-committee shall include 1 Independent member, 1 elected member and 1 Town/Parish member where the complaint relates to a Town or Parish councillor.

<b>Chairman</b>	The chairman will be an independent member and shall be elected by the sub-committee at each meeting.
<b>Substitutes</b>	None
<b>Political Proportionality</b>	Rules of political proportionality do not apply.
<b>Quorum</b>	At least 3 members including at least one Independent Member, and at least one Town/Parish Councillor member when the complaint relates to a Town or Parish councillor.
<b>Frequency</b>	As and when required.
<b>Venue</b>	To be determined by the Monitoring Officer.
<b>Co-opted Members</b>	At least 1 Independent member must sit upon the sub-committee.

### 3. Standards (Initial Assessment) Sub-Committee

#### Role and Function

- 3.1. To assess initially all written complaints received by the Council's Monitoring Officer on the appropriate complaints form for such purposes or such written complaints submitted by a letter/e-mail/fax setting out all relevant information required on such complaints form.

(Note: The Standards (Initial Assessment) Sub-Committee will only have jurisdiction to consider written allegations that an elected or co-opted member of the Council or a Town/parish council has failed, or may have failed, to comply with that Council's Code of Conduct for Members.)

- 3.2 To determine one of the following courses of action in respect of the allegation:-
- 3.2.1 To decide that no action should be taken in respect of the allegation;
- 3.2.2 To ask for additional information from the complainant on the allegation before concluding the initial assessment;
- 3.2.3 If the allegation is likely to be reasonably substantiated and is in the public interest to warrant Council funds being spent on a local investigation, to refer the allegation to the Council's Monitoring Officer, with an instruction that he/she arranges training, conciliation or such other appropriate action as might be permitted by the relevant legislation;
- 3.2.4 If the matter is of a serious nature (for example, the potential sanction(s) available might not be sufficient for the Standards (Hearings) Sub-Committee to deal with), to refer the allegation to the Standards Board for England for investigation; or

- 3.2.5 Where the allegation is in respect of a person who is no longer a member of the Council or the Town/Parish Council, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), to refer the allegation to the Monitoring Officer of that other authority.
- 3.2.6 To authorise the Monitoring Officer to take all reasonable steps to implement its decision(s) with reasons, and to notify the person making the allegation and the member concerned of that decision.
- 3.2.7 In the event of there being a local investigation under paragraph 3.2.3 to determine, with reasons, whether:-
  - 3.2.7.1 The sub-committee accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;
  - 3.2.7.2 The matter should be referred for a hearing of the Standards (Hearings) Sub- Committee; or
  - 3.2.7.3 The matter should be referred to the Adjudication Panel for determination.

#### **4. Standards (Review) Sub-Committee**

##### Role and Function

- 4.1 Upon the request of a person who has made an allegation that a member of the Council or the Town/Parish Council has failed, or may have failed, to comply with the Council's Code of Conduct, to review a decision of the Standards (Initial Assessment) Sub-Committee that no action is taken in respect of that allegation.
- 4.2 To take all decisions as set out in paragraph 3.2 of the terms of reference of the Standards (Initial Assessment) Sub-Committee.

#### **5. Standards (Hearings) Sub-Committee**

##### Role and Function

- 5.1 To hear and determine any allegation that a member of the Council or a Town/Parish Council has failed, or may have failed to comply with that Council's Code of Conduct.
- 5.2 To make one of the following findings:-
  - 5.2.1 That the member who is subject of the hearing has not failed to comply with the Code of Conduct of an authority concerned.
  - 5.2.2 That the member who is the subject of the hearing has failed to comply with the Code of Conduct of an authority concerned but that no action needs to be taken in respect of the matters which were considered at the hearing.

- 5.2.3 That the member who is the subject of the hearing has failed to comply with the Code of Conduct of an authority concerned and that a sanction under paragraph 5.3 or 5.4 should be imposed.
- 5.3 If the sub-committee makes a finding under paragraph 5.2.3 above, in respect of a person who is no longer a member of any authority concerned, to censure that person (as required by Regulation 19 of the Standards Committee (England) Regulations 2008.
- 5.4 If the sub-committee makes a finding under paragraph 5.2.3 above, to impose any one of, or any combination of, the following sanctions:-
- 5.4.1 Censure of the member;
- 5.4.2 Restriction of the member's access to the premises and resources of the relevant authority for a period not exceeding six months provided that those restrictions are:-
- 5.4.2.1 Reasonable and proportionate to the nature of the breach; and
- 5.4.2.2 Do not unduly restrict the person's ability to perform the functions of a member.
- 5.4.3 Partial suspension of the member for a period not exceeding six months;
- 5.4.4 Suspension of the member for a period not exceeding six months;
- 5.4.5 Order the member to submit a written apology in a form satisfactory to the sub-committee;
- 5.4.6 Order the member to undertake such training as the sub-committee may specify;
- 5.4.7 Order the member to participate in such conciliation process as the sub-committee may specify;
- 5.4.8 Partial suspension of the member for a period not exceeding six months or until such time as the Member submits a written apology in a form specified by the sub-committee;
- 5.4.9 Partial suspension of the member for a period not exceeding six months or until such time as the Member has undertaken such training or has participated in such conciliation as the sub-committee specifies;
- 5.4.10 Suspension of the member for a period not exceeding six months or until such time as the member submits a written apology in a form specified by the sub-committee.
- 5.4.11 Suspension of the member for a period not exceeding six months or until such time as the member has undertaken such training or has participated in such conciliation as the sub-committee specifies.



- Note
- (a) Subject to (b) below, any sanction imposed under 5.4 above shall commence immediately following its imposition by the sub-Committee;
  - (b) The sub-committee may direct that the sanction imposed under paragraph 5.4.2 above, or where a combination of such sanctions is imposed, such one or more of them as the sub-committee specifies, shall commence on such date, within a period of six months after the imposition of that sanction, as the sub-committee specifies.

**Workplan 2009/2010**

<b>1.</b>	<b>Delivery of Training</b>
	29 June 2009 am – Code of Conduct
	1 July 2009 – Standards Framework
	July 2009 – Town and Parish Council Standards training
<b>2.</b>	<b>Review of the Following Codes</b>
	17 July 2009 – Planning Code
	17 July 2009 – Licensing Code
	6 November 2009 – Gifts and Hospitality
	6 November 2009 – Officer Member Protocol
<b>3.</b>	<b>Annual Report</b>
	26 February 2010