

## ROTHERHAM BOROUGH COUNCIL - REPORT TO MEMBERS

1.	<b>Meeting:</b>	Standards Committee
2.	<b>Date:</b>	10 November 2011
3.	<b>Title:</b>	Standards Committee Terms of Reference
4.	<b>Directorate:</b>	Chief Executive's

### 5. Summary

On 8<sup>th</sup> September the Committee resolved that committee members might write to the monitoring officer with suggestions for changes to the Committee's current terms of reference, which are appended as Appendix A. The monitoring officer was then to meet with the Chair and Vice-Chair of the Committee to discuss the suggestions.

Following that meeting and in light of the discussion, the monitoring officer revised the Committee's terms of reference, which are attached for members' consideration at Appendix B.

The following suggestions were considered:-

#### *Membership*

- Reduce the number of members of the Committee but maintain the current balance in favour of independent members.
- Maintain the current balance in favour of independent members of a committee composed of fewer members by restricting the membership to 6 independent members (including chair and vice-chair), 3 elected members and 2 parish councillors – this would also permit 5 member panels comprised of 3 independents, 1 elected member and one parish councillor.
- The composition of the Standards Committee could be:
  - 10 members comprised of 8 independent members and 2 elected members in order to maximise public confidence in the Committee and its role; or
  - 10 members comprised of 6 independent members and 4 elected members; or
  - left as it currently is (except for removing the requirement for town and parish council members) as this works well.

- The number of members of the Committee should be 13 and they should choose the Chair and Vice-Chair of the Committee.
- Members of the Committee should be totally independent and elected members should not sit on the Committee.

*N.B. The Committee is currently comprised of 15 members comprised of eight independent members, 3 elected members and 3 parish council members.*

#### *Frequency of meetings*

- The Committee should meet bi-monthly.
- Assessment and review panels should continue to meet as and when required.

#### *Code of Conduct*

- Use the statutory code as the framework for a voluntary code but consolidate some of its provisions.
- Base the voluntary code on the statutory code with appropriate amendments to reflect the provisions of the Localism Bill.
- Open a dialogue with parish councils if there is widespread support for a voluntary code administered by Rotherham Borough Council.

*N.B. Letter circulated to parish councils*

#### *Complaints*

- Assessment and review panels should be composed of:
  - 3 independent members with the remaining 3 independent members available to review assessment panel decisions; or
  - 2 independent members and 1 elected member with 1 of the independent members taking the chair.
- Develop the complaints procedure, in particular by strengthening and balancing the preliminary stage of the procedure by permitting limited investigation of the facts, so that the sub-committee that considers the complaint has a better understanding.
- Investigation of complaints should follow current practice suitably modified to reflect changes in the law.

*N.B. Standards Committee Manual will require revision.*

### *Sanctions*

- For breach of the voluntary code, the sanctions could be:
  - public admonishment of a parish councillor or elected member;
  - in the most serious cases not involving failure to declare a personal and prejudicial interest reduction or suspension of an elected member's personal allowances (subject, to approval of the full Council).
- Parish councils should not be eligible for Quality Status if a member is found to be in breach of the voluntary code.
- The right to ask for a review of an assessment panel's decision should be available only in limited circumstances, for example where new and significant information has been received after the panel made its decision.
- The complaints procedure should address repetitive, frivolous and vexatious complaints.

### *Alternative arrangements*

- The option of a sub-regional shared standards committee would only work with a common code of conduct.
- Keep the audit and standard committees separate.
- Joint arrangements with other local authorities are not recommended.
- Adoption of the Sheffield proposal is not recommended, not least because officers should be acting under the Committee's direction.

### *Town and parish councils*

- Rotherham Borough Council's policy on charging parish councils to administer a standards regime requires early resolution.
- Concentrate on borough council until firm commitment from all town and parish councils.
- Remove references to Standards for England and town and parish councils.

### *Miscellaneous*

- The terms of reference should include a requirement to review and inform Rotherham Borough Council of any weaknesses or failings in any council systems and recommend actions.

- Rotherham Borough Council's "Right to speak" policy should apply to meetings of the Standards Committee.
- Most of the current terms of reference would still be relevant.

## **6. Recommendations**

**IT IS RECOMMENDED that members consider and approve the proposed amendments to the Committee's terms of reference, subject to any conflicting legislative requirements following the enactment of the Localism Bill.**

## **7. Proposals and details**

**Please see paragraph 5.**

## **8. Finance**

There are no financial implications arising directly from this report.

## **9 Risks and Uncertainties**

Until the Localism Bill becomes law, the direction of the standards regime will remain unclear.

## **10 Policy and Performance Agenda Implications**

The Council is dedicated to high standards of conduct and will be under a duty to promote and maintain such standards by members and co-opted members following the Bill becoming law.

## **11 Background Papers and Consultation**

Localism Bill

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