



COUNCIL
21 MAY 2008

DERBY CITY COUNCIL

Report of the Director of Corporate and Adult Services

Standards Committee – Terms of Reference and Independent Member

RECOMMENDATIONS

- 1.1 To approve the revised terms of reference and delegated powers of the Standards Committee set out in Appendix 2 to the report.
- 1.2 To appoint Mrs Cynthia McDowall as an Independent Member of the Standards Committee for a further period ending at the Annual Meeting in May 2011.

SUPPORTING INFORMATION

- 2.1 Part 10 of the Local Government and Public Involvement in Health Act 2007, and associated regulations, introduced a new local assessment framework, for alleged breaches of the Members' Code of Conduct, with effect from 8 May 2008. Under the new regime complaints against Members will not be submitted to the Standards Board for England but will be assessed, reviewed and, in most cases, determined by the Council's Standards Committee. The Standards Board will primarily have a regulatory and advisory role.
- 2.2 It is necessary, therefore, to revise the Standards Committee's terms of reference and delegated powers. The revised version is attached as Appendix 2.
- 2.3 The second term of office of Mrs Cynthia McDowall, as an Independent Member of the Standards Committee, expires at the 2008 Annual Meeting of the Council. Independent Members are appointed for a three year period of office with members retiring on a rolling basis as follows:

| | Annual Meeting 2008 | Annual Meeting 2009 | Annual Meeting 2010 |
|-------------------|------------------------|------------------------|------------------------|
| Mrs C McDowall | X | | |
| Mr P Sunderland | | X | |
| Canon R B Blowers | | | X |

- 2.4 Mrs McDowall has indicated that she is willing to serve for a third term of office. The Council has previously resolved that independent members may serve up to a maximum of three terms.

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Background papers: None
List of appendices: Appendix 1 – Implements
Appendix 2 – Standards Committee Revised Terms of Reference

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| IMPLICATIONS |
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Financial

- 1.1 Independent Members of the Standards Committee are entitled to travel and subsistence expenses. No fees or allowances are paid.
- 1.2 It is too early to assess the financial impact on the new local assessment regime. Additional costs associated with investigations are possible and further reports will be submitted as necessary.

Legal

- 2.1 The legal requirements are contained in the Local Government and Public Involvement in Health Act 2007 and associated regulations.
- 2.2 The Council and its Standards Committee must have regard to guidance issued by the Standards Board for England.
- 2.3 The appointment of an Independent Member must be approved by a majority of members of the Council.

Human Resources

- 3. The new regime will require additional staffing resources, including training and development for Standards Committee members and officers. It is hoped that this can be met from existing staffing arrangements.

Equalities Impact

- 4. None directly arising.

Corporate Themes and Priorities

- 5. The Standards Committee supports the Corporate Value “We will be open, transparent and honest in everything we do.”

STANDARDS COMMITTEE – REVISED TERMS OF REFERENCE AND DELEGATED POWERS

Standards Committee

- a) Promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives;
- b) Assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- d) Monitoring the effectiveness of the Members' Code of Conduct;
- e) Advising the Council on the adoption or revision of related codes or protocols;
- f) Monitoring the effectiveness of related codes or protocols;
- g) 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;
- h) Granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- i) Assessing, reviewing and determining complaints about Members;
- j) Determining complaints referred by the Chief Executive for independent consideration in accordance with the Complaints Procedure;
- k) Providing independent members (other than the Chair) for panels determining the final stage of Social Services complaints.
- i) Granting exemptions for politically restricted posts.