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## Report of the Assistant Chief Executive (Corporate Governance)

### Standards Committee

Date: 19<sup>th</sup> August 2009

Subject: Amendments to the Standards Committee Terms of Reference

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#### Electoral Wards Affected:

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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### Executive Summary

1. The purpose of this report is to notify the Standards Committee of the consequential amendments to the Constitution which have been made arising from:
  - the resolutions of the Standards Committee on 8<sup>th</sup> July 2009;
  - amendments to the Local Government and Housing Act 1989; and
  - the implementation of the Standards Committee (Further Provisions) (England) Regulations 2009.
2. The Assistant Chief Executive (Corporate Governance) has authority to make any changes to the Constitution which are required:
  - as a result of legislative change; or
  - as a result of a decision of the council or executive to enable him/her to maintain it up to date; or
  - for the purposes of clarification only.
3. Members of the Standards Committee are asked to note the amendments to the Standards Committee Terms of Reference (attached as Appendix 1).

## **1.0 Purpose Of This Report**

- 1.1 The purpose of this report is to notify the Standards Committee of the consequential amendments to the Constitution which have been made arising from:
- the resolutions of the Standards Committee on 8<sup>th</sup> July 2009;
  - amendments to the Local Government and Housing Act 1989; and
  - the implementation of the Standards Committee (Further Provisions) (England) Regulations 2009.

## **2.0 Background Information**

- 2.1 On 8<sup>th</sup> July 2009 the Standards Committee considered a report on “Proposals for the creation of a Consideration and Hearings Sub-Committee”. The Standards Committee resolved to create a Hearings Sub-Committee to carry out the function of holding determination hearings, and that the consideration of final investigation reports should continue to be carried out by the Assessment Sub-Committee.
- 2.2 Section 202 of the Local Government and Public Involvement in Health Act 2007 amends Section 3 of the Local Government and Housing Act 1989. This is done by transferring the function of granting exemptions from political restriction on members of relevant authorities in England from an Independent Adjudicator appointed by the Secretary of State to Standards Committees. Section 202 of the Local Government and Public Involvement in Health Act 2007 came into force on 1<sup>st</sup> April 2008.
- 2.3 The Standards Committee has the power to consider and determine applications for dispensations. New regulations came into force on 15<sup>th</sup> June 2009 which contain new provisions to clarify the grounds on which Standards Committees may grant dispensations to local authority Members. The Standards Committee (Further Provisions) (England) Regulations 2009 revoke the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002.
- 2.4 In July 2009 the Standards Board for England changed their operating name to “Standards for England”. The current terms of reference also refer to a “Commission for Local Government”, it is proposed that this is changed to “Communities and Local Government” who are the relevant Government Department for consultations on Standards Committee issues.

## **3.0 Main Issues**

- 3.1 The following amendments were required to the Standards Committee Terms of Reference to reflect the resolutions of the Standards Committee on 8<sup>th</sup> July 2009, the legislative changes listed above, and to keep them up to date:
- To amend paragraph 4 of the Terms of Reference to reflect the resolution that consideration of the final investigations reports and determination hearings will now be carried out by Sub-Committees of the Standards Committee;
  - To add the functions of considering applications for exemptions from political restriction and giving directions to the Council requiring it to include a post in the list of politically restricted posts (new paragraphs 9 and 10);

- To amend footnote 9 to delete the reference to the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 which have been revoked, and to insert the reference to the Standards Committee (Further Provisions) (England) Regulations 2009; and
- To amend footnote 10 to delete the references to “the Standards Board for England” and “the Commission for Local Government”, and to insert references to “Standards for England” and “Communities and Local Government”.

3.2 The amended version of the Standards Committee Terms of Reference is attached as Appendix 1 to this report.

3.3 The Assistant Chief Executive (Corporate Governance) approved the amended Terms of Reference on 27<sup>th</sup> July 2009 by delegated decision.

#### **4.0 Implications For Council Policy And Governance**

4.1 It is in accordance with good governance principles to keep the constitution up to date. Under its Code of Corporate Governance, the Council is committed to ensuring that the necessary roles and responsibilities of those with responsibility for the governance of the Council are identified and allocated so that it is clear who is accountable for decisions that are made.

#### **5.0 Legal And Resource Implications**

5.1 The Assistant Chief Executive (Corporate Governance) has authority to make any changes to the constitution which are required:

- as a result of legislative change; or
- as a result of a decision of the council or executive to enable him/her to maintain it up to date; or
- for the purposes of clarification only.

5.2 The Assistant Chief Executive (Corporate Governance) considers that the above also provides the authority to make any changes to the Constitution resulting from a decision of a Council Committee.

#### **6.0 Conclusions**

6.1 This report outlines consequential amendments which have been made to the Council’s Constitution arising from:

- the resolutions of the Standards Committee on 8<sup>th</sup> July 2009;
- amendments to the Local Government and Housing Act 1989; and
- the implementation of the Standards Committee (Further Provisions) (England) Regulations 2009.

#### **7.0 Recommendations**

7.1 Members of the Standards Committee are asked to note the amendments to the Standards Committee Terms of Reference (which are attached as Appendix 1).

## Background Documents

Minutes of the Standards Committee meeting on 8<sup>th</sup> July 2009

Standards Committee (Further Provisions) (England) Regulations 2009

Local Government and Public Involvement in Health Act 2007

Local Government and Housing Act 1989 (as amended)