

# METROPOLITAN BOROUGH OF WIRRAL

STANDARDS COMMITTEE – 3 DECEMBER 2001

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## STANDARDS COMMITTEE – CONSTITUTION, MEMBERSHIP AND TERMS OF REFERENCE

### REPORT OF THE BOROUGH SOLICITOR AND SECRETARY

#### 1. Executive Summary

1.1 The purpose of this report is to advise the Committee of new regulations, effective from 28 August 2001, that affect the composition and membership of Standards Committees. The Committee is requested to indicate, by way of a recommendation to the Cabinet and Council, how it would wish to implement the regulations.

#### 2. Constitution and Membership

2.1. The Relevant Authorities (Standards Committee) Regulations 2001 require that the membership of Standards Committees with more than three members should include at least 25% of independent members. This Council's Standards Committee, with seven elected and two independent members, is currently below the regulatory threshold and it will be necessary either to co-opt an additional independent member (or members) or to reduce the elected member component.

2.2. Four applications were received for consideration as independent members of the Standards Committee when the position was advertised in October 2000, and two of the four were accepted. If it is decided that an additional member should be sought, a further advertisement and application procedure will be necessary. The regulations provide for current independent members to remain in office until 28 August 2003. After that date, a re-advertisement and application process has to be followed. The regulations provide for current independent members to remain in office until 28 August 2003. After that date, a re-advertisement and application process has to be followed.

2.3. The current composition of the Standards Committee is seven members, four Labour, two Conservative, one Liberal Democrat with two independent members. The political balance and proportionality rules do not apply to Standards Committees. Should the Council determine that it will reduce the number of Council members on Standards Committees, then it will also need to determine how seats should be allocated. The Committee is requested to indicate, by way

of a recommendation to the Cabinet and Council, how it wishes to proceed.

- 2.4 The quorum for a Standards Committee, set down by regulation, is three (at least one of whom must be an independent member, unless that member would have been precluded from participating by virtue of a conflict of interest). The Council's standing orders require a quorum of four for all standing committees. Standing Orders could be varied to reduce the quorum to three, or it could remain at four. This can be dealt with when the Council adopts the new Constitution.

### 3. Duties and Terms of Reference

- 3.1 The terms of reference of the Standards Committee are "To make recommendations to the Council on the following matters:-

- (1) The adoption of a Code of Conduct for members.
- (2) The adoption of a Code of Conduct for officers.
- (3) The review, modification and monitoring of any existing codes of conduct.
- (4) The training of members and officers on propriety issues.
- (5) The preparation of a member/officer protocol.
- (6) The corporate complaints system.
- (7) The whistle-blowing policy.
- (8) The monitoring of Ombudsman complaints.
- (9) Consideration of other probity issues, including standing orders, financial guidelines and audit issues.
- (10) General advice and assistance to members on probity issues.

- 3.2 To date, the Standards Committee has not investigated complaints about the conduct of individual Council members. Once the Council has adopted the new model code of conduct, this Committee will have those investigative powers upon referral of a matter from the Standards Board for England. A report will be submitted to the next meeting of the Standards Committee requesting advice and comment upon the introduction of the new model code of conduct for members. An employee code is due to be published by early February. Again, Standards Committee will be asked for its comments and guidance upon the introduction of such a code of conduct for members. An employee code is due to be published by early February. Again,

Standards Committee will be asked for its comment and guidance upon the introduction of such a code.

4. Financial and Staffing Implications

There are no financial or staffing implications arising out of this report.

5. Other Implications

There are no implications arising out of this report in terms of equal opportunities, ethnic minorities, the elderly or the disabled; nor are there any community safety, human rights, Local Agenda 21, Local Member Support or planning implications.

6. Background Papers

Other than published works and Council minutes, no background papers have been used in the preparation of this report.

7. Recommendation

The Committee is requested to give its views as to how to deal with its constitution and membership in the light of the new regulations.

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Borough Solicitor and Secretary

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