

STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

Wednesday, 17 July 2013

Present:

Councillor WJ Davies (Chair)

Councillors M McLaughlin L Fraser
RL Abbey G Ellis
D Roberts T Harney
J Salter

Independent Persons Mr D Burgess – Joyce
Mr B Cummings
Mr C Jones
Professor RS Jones

1 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members were asked to consider whether they had any disclosable pecuniary or non pecuniary interests in connection with any items on this agenda and, if so, to declare them and state the nature of the interest.

No such declarations were made.

2 INTRODUCTIONS AND CHAIR

The Chair welcomed everyone to the first meeting of the new Committee for the new municipal year and asked that all members introduce themselves for the benefit of those new to the Committee.

Councillor Fraser drew the Committee's attention to Article 9.2(c) of the Constitution which stated that, 'The committee chairperson shall be determined by the Standards and Constitutional Oversight Committee at its first meeting in the Municipal year'. She commented that although Council had appointed Chairs at its annual meeting in May, it was incumbent on this Committee to follow those rules laid down in the Constitution when it was expecting Members on other committees to do so themselves.

Councillor Fraser therefore moved and having been seconded by Councillor Salter, it was –

Resolved – That Councillor Bill Davies be appointed Chair of this Committee.

3 **MINUTES**

The Committee were requested to approve the accuracy of the minutes of the meeting of 18 March 2013.

Resolved – That the minutes of the meeting of 18 March, 2013, be approved.

4 **REVIEW AND UPDATE ON THE COUNCIL'S ETHICAL FRAMEWORK**

The Head of Legal and Member Services submitted a report which gave a review of the Council's Ethical Framework relating to Member conduct. The details for arrangements for dealing with, investigating and making decisions in relation to standards complaints were also set out in appendices to the report.

The new standards regime had now been in place for a little over 12 months and it was an opportune time for this Committee to review the arrangements and consider whether any amendments should be made or alternative arrangements considered given the Council's statutory duty to promote and maintain high standards of conduct amongst Members.

By way of summary, five complaints had been received under the new Standards Regime (i.e. since 1 July 2012) of which there remained two 'live' matters. A summary of the complaints was attached in an appendix to the report.

The Committee was asked to consider whether a cross-party Standards Working Party should again be established to undertake the review of the Standards Regime and report back any recommendations to this Committee for consideration.

A request had been received from the Merseyside Recycling and Waste Authority that the Council's Members' Code of Conduct be amended to include a requirement that members appointed to outside bodies (such as the MRWA) be required to comply with any relevant Codes of Conduct of those outside bodies. Details of the resolution passed by the MRWA, its Code of Conduct and procedure for handling complaints made under their Code was appended to the report.

Responding to comments from Members, the Head of Legal and Member Services acknowledged the need for a robust standards framework which Members and the public could rely on and which was easily understood and accessible. He also explained the procedure for dealing with an individual Member who might be in breach of the Code of Conduct on a more frequent basis.

In respect of the role of the Committee and ‘considering reports arising from external inspections, audit investigations, Ombudsman investigations where maladministration is found ...’ the Head of Legal and Member Services stated that there was a need to ensure that the terms of reference of other Committees were not encroached upon as not all external inspections would fall within this Committee’s remit. He suggested that he could bring a report back to the Committee setting out the exact remit.

In the ensuing discussion on the role of the Committee a Member suggested the need to be fully aware of all that was going on which affected the standards of the Council. A Member cautioned against straying into areas which fell within the remit of other committees such as the Audit and Risk Management Committee and the need to avoid duplicating work. A Member suggested that with the Committee having a constitutional oversight role it should also be involved in reviewing governance arrangements.

On a motion by Councillor M McLaughlin, seconded by Councillor D Roberts, it was –

Resolved – That this Committee:

- (1) Notes the report;**
- (2) Establishes a cross-party Member Working Group in accordance with the Terms of Reference set out at Appendix 7 to the report, to review the current Standards Regime and report back its recommendation to this Committee for consideration.**
- (3) Subject to (2) above, determines whether Council be recommended to amend the Members’ Code of Conduct to include an obligation that Members who are appointed to an outside body be required to comply with any relevant Code of Conduct of that outside body (and be subject to the body’s arrangements / procedures dealing with any complaints made under the Code).**
- (4) Receives a report back with clear information on the work of this committee and how it fits in with the terms of reference of other committees.**