



East Northamptonshire Council

Standards Board - 3 February 2010

Proposed Changes to the Constitution

Summary

This report provides members of the Standards Board with the opportunity to comment on proposed changes to the Constitution which directly affect the Standards Board.

Attachment(s)

Appendix A - Proposed Changes

1 Introduction

- 1.1 The Constitution Review Group (CRG) was established at the Council meeting on 20 July 2009 to review the Council's Constitution and make recommendations to the full Council. Having started its review, the Group is bringing forward its recommended changes in batches to enable full consideration to be given to each issue. A revised layout for the Constitution to aid accessibility, incorporating all the changes will be produced for April 2010.

2 Proposed Changes

- 2.1 Independent Members of the Standards Board are there to both promote confidence and make transparent the work of the Standards Board. They also provide a vital link to the perspectives of the general public. As such there is already national guidance and local criteria to assist in their recruitment which recommends independent members should not be "politically active", have a recent connection with the councils in the area and having a knowledge of the District. Having reflected on the experiences of this and other councils the Constitutional Review Group felt that it would enhance the perceptions of the role of independent members if the Council's constitution specifically required them not to be a current member of a political party and for them to have a residency connection with the area.
- 2.2 In addition, it wished to formalise the recruitment process, which previously has consisted of the Chair of the Standards Board, a District Councillor and the Monitoring Officer, to a panel in which District Councillors have a majority.
- 2.4 Finally it was proposed to amend the quorum rules for the Standards Board from any four members, to four members to include at least one District Councillor, Town and Parish Councillor and an Independent member.
- 2.5 It was felt that the above changes would reinforce the confidence in the Board by District Councillors
- 2.6 The amendments to the Terms of Reference are highlighted in the Appendix to this report.

3 Recommendations

- 3.1 Members of the Standards Board are recommended to comment on the changes that are being recommended to the Terms of Reference for the Board and make any suggestions that they wish the Constitutional Review Group and the Policy and Resources Committee to consider.

Implications:					
Corporate Outcomes or Other Policy/Priority/Strategy					
Good Quality of Life	<input type="checkbox"/>	Good Reputation	<input checked="" type="checkbox"/>		
Good Value for Money	<input type="checkbox"/>	High Quality Service Delivery	<input type="checkbox"/>		
Effective Partnership Working	<input type="checkbox"/>	Strong Community Leadership	<input type="checkbox"/>		
Effective Management	<input type="checkbox"/>	Knowledge of our Customers and Communities	<input type="checkbox"/>		
Employees and Members with the Right Knowledge, Skills and Behaviours				<input checked="" type="checkbox"/>	
Other:					
Decision(s) would be outside the budget or policy framework and require full Council approval					
				<input type="checkbox"/>	
Financial	There are no financial implications at this stage				<input checked="" type="checkbox"/>
	There will be financial implications – see paragraph				<input type="checkbox"/>
	There is provision within existing budget				<input type="checkbox"/>
	Decisions may give rise to additional expenditure at a later date				<input type="checkbox"/>
	Decisions may have potential for income generation				<input type="checkbox"/>
Risk Management	An assessment has been carried out and there are no material risks				<input checked="" type="checkbox"/>
	Material risks exist and these are recorded at Risk Register Reference - inherent risk score - residual risk score -				<input type="checkbox"/>
Staff	There are no additional staffing implications				<input checked="" type="checkbox"/>
	Additional staff will be required – see paragraph				<input type="checkbox"/>
Equalities and Human Rights	There will be no impact on equality (race, age, gender, disability, religion/belief, sexual orientation) or human rights implications				<input checked="" type="checkbox"/>
	There will be an impact on equality (see categories above) or human rights implications – see paragraph				<input type="checkbox"/>
Legal	Power: Local Government Act 2000, Local Government and Public Involvement in Health Act 2007				
	Other considerations: Standards Committee (England) Regulations 2008				
Background Papers: Council Constitution					
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Date: 22 January 2009					
CFO		MO		CX	

(Committee Report Normal Rev. 19)

Article 9 - The East Northamptonshire Standards Committee

9.01 Standards Committee Terms of Reference

The Council will establish a Standards Committee to be known as the East Northamptonshire Standards Board to discharge the functions conferred by Part III of the Local Government Act 2000 and extended by the Local Government and Public Involvement in Health Act 2007 and Regulations made thereunder.

9.02 Composition

Political Balance

The political balance rules in section 15 of the Local Government & Housing Act 1989 do not apply to the Standards Board.

The Standards Board will comprise:

- four Councillors being elected members of East Northamptonshire Council;
- four independent Members who are not a Councillor or an Officer of the Council or any other body having a Standards Committee;
- four elected members of a Parish or Town Council in the East Northamptonshire district.

Independent Members

Independent Members will have equal rights on the Board and will be entitled to vote at meetings of the Standards Board. *They will be appointed by the Full Council on the recommendation of a Panel made up of a majority of District Councillors. They must not be a member of a political party and must be either resident within the District or within 20 miles of the border of the District.*

Parish Members

At least one Town or Parish Council Member must be present when matters relating to Parish or Town Councils or their Members are being considered.

Term of Office of Independent and Parish Members

Independent and Town and Parish Council Members will serve for a maximum period of two 4 year terms from the date of election or appointment. Independent Members will retire by turns, after, potentially, six, seven and eight years' service.

Chairing the Board

The Standards Board will elect a chairman and vice chairman from its Independent Members.

Quorum

A meeting of the Standards Board shall not be quorate unless at least *four* members (including ~~at least one independent member of the Board~~) *an Independent member, District Councillor, and Town or Parish Councillor* are present for its duration.

9.03 Key Role and Function

The East Northamptonshire Standards Board will have the following roles and functions:

- a) promoting and maintaining high standards of conduct by Councillors and co-opted Members;
- b) assisting the Councillors and co-opted Members 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 operation of the Members' Code of Conduct;
- e) advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;
- f) operating the local arrangements to deal with complaints against East Northamptonshire District Councillors and, to this end, establishing Assessment, Review and Hearings Sub-Committees with specific Terms of Reference;
- g) granting dispensations to Councillors and co-opted Members from requirements relating to interests set out in the Members' Code of Conduct;
- h) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer or any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer;
- i) the exercise of these functions in relation to the town and parish councils wholly or mainly in East Northamptonshire and the members of those town and parish councils.

9.04 Additional Roles and Function

Beyond the matters set out in Article 9.03, the East Northamptonshire Standards Board will be responsible for

- a) reviewing, as necessary, the arrangements for the handling of complaints against the Council;
- b) reviewing the outcome of Ombudsmen investigations;
- c) promoting and maintaining the Member/Officer Protocol;
- d) overseeing the operation of the whistle blowing policy and
- e) the maintenance of professional standards
- f) considering exemptions from political restrictions

and recommending any changes to procedures, or to the codes or protocols of this Constitution in respect of probity issues arising from their considerations or in the light of matters referred by the Standards Board for England.