

OPEN DECISION ITEM

Wolverhampton City Council

Committee / Panel **STANDARDS COMMITTEE** Date **11 June 2009**

Originating Service Group **OFFICE OF THE CHIEF EXECUTIVE**

Contact Officer(s) **LINDA BANBURY**

Ext **5040**

Title **LOCAL ASSESSMENT OF CODE OF CONDUCT COMPLAINTS**
APPOINTMENT OF ASSESSMENT SUB-COMMITTEE

Recommendation

Members are recommended to appoint the Chair and Members of the Standards Committee (Assessment) Sub-Committee for the 2009/10 municipal year.

LOCAL ASSESSMENT OF CODE OF CONDUCT COMPLAINTS
APPOINTMENT OF ASSESSMENT SUB-COMMITTEE

1 Purpose of Report

- 1.1 To appoint the Chair and Members of the Standards Committee (Assessment) Sub-Committee for the 2009/10 municipal year.

2 Background

- 2.1 The Standards Committee approved the terms of reference for the Standards Committee, Assessment Sub-Committee and Review Sub-Committee attached at Appendix 1 to this report at their meeting on 19 June 2009.
- 2.3 The Assessment Sub-Committee should comprise four members, of whom at least one should be an independent member of the Standards Committee (and one of whom should Chair the Sub-Committee) and at least one elected Member of the Council.
- 2.4 Last year the Assessment Sub-Committee comprised:-
Councillor Miles
Councillor Pugh
Mr K R Aithal (Chair)
Mr J Harris

3 Implications

- 3.1 There are no direct financial, equalities or environmental implications arising from this report.

APPENDIX I

9.1 Standards Committee.

The Council will establish a Standards Committee *and three Sub Committees:-*

- (i) The Assessment Sub Committee;*
- (ii) Review Sub Committee, and*
- (iii) Hearing Sub Committees as and when required for particular hearings, comprising where possible, Members who have not been involved on the assessment or review of the particular matter.*

9.2 Composition

(a) Membership. The Standards Committee will be *comprised of:*

- The Mayor, Deputy Mayor and *four elected Members of the Council and;*
- 6 persons (called “independent members”) who are appointed in accordance with the Relevant Authorities (Standards Committee) Regulations 2001 *and the Standards Committee (England) Regulations 2008.*

The Sub Committees set out in paragraph 9.1 will be convened to deal with individual complaints. Membership will not be static.

- *Each of the Sub Committees will be comprised of 4 Members:*
- *A member who has considered a complaint as part of the Assessment Sub Committee will not sit on a Review Sub Committee dealing with the same complaint.*

(b) Independent Members. Independent members will be entitled to vote at meetings of the Standards Committee only when any of the matters set out in Article 9.3 are being considered.

(c) Chairing the Committee. A member of the Council may not chair the committee *or any of the three sub committees.* An independent member will chair the Committee *and all Sub Committees.*

9.3 Ethical Role and Functions.

The Standards Committee will have the following *terms of reference:*

- (a) to promote and maintain high standards of conduct by councillors, co-opted members, independent members, church and parent governor representatives;*
- (b) to assist councillors, co-opted members and church and parent governor representatives to observe the members Code of Conduct;*
- (c) to receive, assess and refer complaints that a councillor, co-opted member of church and parent governor representative have failed to comply with the Council’s Code of Conduct under local assessment arrangements through its sub-committees.*
- (d) to appoint a Hearing Sub-Committee where it has been agreed by a Sub-Committee one is required.*

- (e) advising the Council on the adoption or revision of the members Code of Conduct and Members' Allowances Scheme;
- (f) monitoring the operation of the Members Code of Conduct and Members Allowances Scheme;
- (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) advising the Council generally on the revision of the Constitution and particularly the Officers Code of Conduct and the Protocol on Member/Officer Relationships;
- (j) maintaining oversight of the Council's Whistle Blowing policy
- (k) maintaining oversight of the Council's Complaints and Compliments procedure;
- (l) maintaining oversight of the Local Code of Corporate Governance.

9.4 Additional Role and Functions.

The Standards Committee will have the following additional terms of reference:-

- (a) *to liaise* between the Council and the Ombudsman;
- (b) *to advise* the Council on the conferment of the title of Honorary Alderman or Freedom of the City;
- (c) *to advise* the Council on the making, amendment, revocation or re-enactment of by-laws and promotion of or opposition to local or personal bills in Parliament.

Terms of Reference of the Assessment Sub-Committee

As approved by the Standards Committee

1. Terms of Reference

- (a) *The Assessment Sub-Committee is established to receive allegations that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct.*
- (b) *Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:*
 - (i) *refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or directing that he/she arrange training, conciliation or such appropriate alternative steps as permitted by Regulations;*
 - (ii) *refer the allegation to the Standards Board for England;*
 - (iii) *decide that no action should be taken in respect of the allegation; or*
 - (iv) *where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;*
- (c) *Upon completion of an investigation by the Monitoring Officer, the Sub-Committee shall be responsible for determining whether:*
 - (i) *it accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;*
 - (ii) *the matter should be referred for consideration at a hearing before the Hearings Sub-Committee of the Standards Committee; or*
 - (iii) *the matter should be referred to the Adjudication Panel for determination.*
- (d) *The Sub-Committee shall consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act.*
- (e) *The Sub-Committee shall, upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Authority under Section 2.2. of the 1989 Act, and may direct the Authority to include a post in that list.*

2 Composition of the Assessment Sub-Committee

The Assessment Sub-Committee shall comprise 4 members, of whom at least 1 shall be an independent member of the Standards Committee (and one of whom shall chair the Sub-Committee) and at least 2 elected members of the Authority.

3 Quorum

The quorum for the meeting of the Sub-Committee shall be 3 members with an independent member as Chairman and at least one elected Member of the Council.

4 Frequency of Meetings

The Sub-Committee shall agree a programme of meetings including one meeting per calendar month but shall only meet where one or more allegations has been received which require to be assessed at that meeting.

Terms of Reference of the Review Sub-Committee

As approved by the Standards Committee

1. Terms of Reference

- (a) *The Review Sub-Committee is established to review, upon the request of a person who has made an allegation that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct, a decision of the Assessment Sub-Committee that no action be taken in respect of that allegation.*
- (b) *Upon receipt of each such request and any accompanying report by the Monitoring Officer, the Sub-Committee shall review the decision of the Assessment Sub-Committee and shall then do one of the following:*
 - (i) *refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or specifying that he/she take an alternative action as permitted by Regulations;*
 - (ii) *refer the allegation to the Standards Board for England;*
 - (iii) *decide that no action should be taken in respect of the allegation; or*
 - (iv) *where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;*

and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.

- (c) *Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(b) above, the Sub-Committee shall state its reasons for that decision.*

2. Composition of the Review Sub-Committee

The Review Sub-Committee shall comprise 4 members of whom 1 at least shall be an independent member of the Standards Committee, (and 1 of whom shall chair the Sub-Committee) and at least 2 shall be elected members of the Council.

3. Quorum

The quorum for a meeting of the Sub-Committee shall be 3 members, with an independent member as Chairman, and at least one elected member of the Council.

4. Frequency of Meetings

The Review Sub-Committee shall meet as and when required to enable it to undertake the review of any decision of the Assessment Sub-Committee within 3 months of the receipt of the request for such a review from the person who made the allegation.