

Committee(s)	Dated:
Standards Committee – For Decision	8 July 2016
Subject: Referral back - Standards Committee	Public
Report of: Town Clerk	For Decision
Report author: Simon Murrells, Assistant Town Clerk	

Summary

This report has been prepared at the request of and in consultation with the Chairman of this Committee. In accordance with its terms of reference (Appendix 1), the Standards Committee submitted its Annual Report to the Court of Common Council on 23rd June 2016. The purpose of the report was to brief Members on the work undertaken in 2015/16 including the Committee's handling of any formal allegations of a breach of the Members' Code of Conduct.

In light of dissatisfaction expressed by Members at the meeting of the Court of Common Council about the content of the report, specifically in respect of a complaint addressed by the Standards Committee, and more also the Committee's handling of the complaint, it was agreed that the report be referred back to the Committee for further consideration.

This report recommends for consideration a possible way forward to address the concerns which includes the commissioning by the Town Clerk of an independent review of the City Corporation's standards framework with the aim of validating the position or proposing improvements.

Recommendation(s)

Members are asked to consider:-

- (1) whether to recommend to the Court of Common Council that an independent review be undertaken by a suitably qualified person identified and appointed by the Town Clerk to review the City Corporation's standards framework and to report back to the Court by December 2016; and
- (2) whether the process of review should include a meeting of all Members of the Common Council to reinforce the Committee's transparent and collaborative way of working, to enable views to be sought.

Main Report

Background

1. At the meeting of the Court of Common Council on 23 June 2016, concerns were expressed by a number of Members about the Standards Committee's Annual Report, principally around the level of detail included in the report of a complaint. Some Members saw this as a form of censure of the Member concerned which they felt was contrary to the Appeal Sub-Committee's decision. This led to a decision by the Court to refer the report back to the Standards Committee. The decision was supported by a significant majority of Members present and voting. Members spoke to the item and voiced their dissatisfaction over the report's content and the Committee's general handling of the complaint.
2. In light of the concerns raised, the Chairman has requested that Members should now decide how to respond to the Court's decision. Having given the matter some further thought, the Chairman has asked for consideration to be given to a possible way forward and this report sets out that course of action.

Proposals

3. To ensure that the City Corporation's standards framework remains fit for purpose and Members have full confidence in the adopted framework, one option open to the Committee is to have an independent review to be undertaken by a suitably qualified person, identified and appointed by the Town Clerk, to review the City Corporation's standards framework and to report back to the Court by December 2016. In addition to this, given the strong feeling amongst some Members of the Court, the Committee may wish to consider, as part of the review process, including a meeting of all Members of the Court to enable all views to be sought.
4. The proposed review would be wide ranging to ensure that all aspects of the current standards framework and the Committee's terms of reference (Appendix 1) are appropriately scrutinised and would cover:-
 - The Member/Officer Protocol
 - Declarations of interest – local requirements in respect of pecuniary and non-pecuniary registration
 - Declarations of interest – ceremonial office-holders
 - The Complaints Procedure (alleged breaches of the Members' Code of Conduct)
 - Composition of the Committee – including Independent and Co-opted Membership.

Corporate & Strategic Implications

5. The City Corporation has a duty to promote high standards of governance throughout the organisation and provide support and democratic services which meet the needs of our elected Members and the electorate. The Localism Act

2011 requires all local authorities to promote and maintain high standards of conduct, the adoption of local codes of conduct and grants local responsibility for investigating alleged breaches of those codes including those in respect of the registration and disclosure of pecuniary and other interests.

Implications

6. In light of the views expressed at the Court of Common Council on 23rd June 2016 following submission of the Committee's Annual Report, and the strength of feeling of some Members about the current standards arrangements which were adopted by the City Corporation, the proposed review will ensure that Members of the Court are assured that the framework is fit for purpose and provides an appropriate, transparent, proportionate and high standard of governance.

Conclusion

7. The Court's decision of 23rd June 2016 to refer the Committee's Annual Report back to the Committee highlights a degree of Member dissatisfaction that is currently felt in respect of the standards framework. On the basis that the City Corporation has a duty to promote and maintain high standards of conduct and the local arrangements should be adopted, supported and maintained by the Court as a whole, the Committee is invited to consider whether a full review of the current framework should be undertaken by a suitably qualified person, identified and appointed by the Town Clerk, to review the City Corporation's standards framework and to report back to the Court by December 2016. As part of this review it may be appropriate for an open meeting of the Standards Committee, to which all Members of the Court of Common Council shall be invited, to take place to enable views to be sought.

Appendices

- Appendix 1 – *Standards Committee Terms of Reference 2016*

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