

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Standards Committee

16 June 2010

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### AMENDMENTS TO THE CONSTITUTION: ARTICLE 9 – THE STANDARDS COMMITTEE

#### Purpose

1. To recommend to Council amendments to the Constitution to provide additional clarity to matters relating to the Standards Committee. This is not a key decision and had been considered previously by the Standards Committee on 10 March 2010.
2. Although the Standards Committee on 10 March 2010 requested that an extraordinary meeting be convened in spring 2010 to consider this report, staffing changes in the Legal and Democratic Services Section resulted in insufficient officer availability to prepare an additional report and arrange an extraordinary meeting.

#### Recommendations and Reasons

3. That the Standards Committee recommend to Council that the amendments to Article 9 – The Standards Committee (**Appendix A**) be incorporated into the Council's Constitution to provide additional clarity.

#### Background

4. Article 9 of the Council's Constitution sets out the composition and terms of appointment to the Standards Committee, as well as the Committee's role and function. The Standards Committee is subject to the Council's Standing Orders, including the right of full Council to remove a member for non-attendance or at the written notice of motion from of any five members of the Standards Committee. Article 9 also lacks clarification that independent and parish council members must be formally co-opted by full Council to serve on the Standards Committee with full voting rights and to receive co-optees' allowances, and to claim for travel expenses and subsistence.
5. This report deals specifically with clarifications to Article 9 and is not concerned with the statutory and local criteria for independent membership of Standards Committee, which will be the subject of a further report, likely in December 2010 once the current appointments process has concluded and the Government's detailed proposals for the future of the Standards regime are known.

#### Considerations

6. The suggested revised wording to Article 9 (**Appendix A**) *clarifies*:
  - (a) The existing right of Council to remove any member of the Standards Committee (Standing Order 2.2), with additional processes to allow parish councils the opportunity to request that the Council remove a Parish Council member, and, following concerns expressed at the 10 March 2010 Standards Committee meeting that a coalition of district and parish council members could request removal of an independent member, a requirement that any

such request must be signed by or on behalf of three independent members of the Standards Committee. The power for removal of any members, however, remains, as now, with the full Council;

- (b) The existing right of Council to remove any committee member due to non-attendance (Council Standing Order 23); and
- (c) The existing automatic removal of any independent member due to disqualification.

7. The suggested revised wording to Article 9 **adds**:

- (a) the flexibility for Parish Councils to make nominations for parish council members at any time during the civic year when a vacancy arises, and not just at their Annual Meeting; and
- (b) the opportunity for independent members to serve more than two four-year terms, in accordance with the January 2010 Standards for England guidance, "Independent Members".

### Options

8. The Standards Committee could choose to leave Article 9 unamended, as a result of which:

- (a) Council would continue to co-opt independent and parish council members, but this would not be stated explicitly in Article 9;
- (b) Council would retain the power to remove any member of the Standards Committee, whether district, parish or independent, upon written request by or on behalf of any five members of the Standards Committee (Council Standing Order 2.2), but this would not be stated explicitly in Article 9. There would be no opportunity for parish councils to make any such request, nor for a requirement that any request to remove an independent member have the support of at least three independent members;
- (c) Council would retain the power to remove any member of the Standards Committee due to non-attendance (Council Standing Order 23) but this would not be stated explicitly in Article 9;
- (d) Independent members would be eligible to serve only for two terms;
- (e) Independent members would continue to be disqualified automatically should their circumstances change in such a way as to affect their independence, but this would not be stated explicitly in Article 9; and
- (f) Parish Councils would be invited to nominate candidates for co-option only at their Annual Meetings and not at any other time during the year.

### Implications

9. Financial	None.
Legal	None.
Staffing	None.
Risk Management	None.
Equal Opportunities	None.
Climate Change	None.

### Consultations

10. Other Standards Committees via the Standards for England forum and Monitoring Officers at the 12 February 2010 Monitoring Officer conference in London.

11. Peter Keith-Lucas of Bevan Brittan solicitors, whose opinion is: "If Council has the power to appoint, it has the power to dis-appoint" and "Council Standing Orders apply equally to co-optees".

#### **Effect on Strategic Aims**

12. Commitment to making South Cambridgeshire a place in which residents feel proud to live: In order to be seen as an effective champion of high standards of conduct, the Standards Committee must also make provisions for how it will respond to situations if any of its members are felt no longer to have the confidence of the full Council, the parish councils or the residents of South Cambridgeshire, or where any of its members are disqualified due to non-attendance or due to no longer meeting the criteria under which they were appointed.

#### **Conclusions / Summary**

13. The amendments do not introduce any significant changes to existing practise, and provide clarity to the processes for appointment and removal of members of the Standards Committee to ensure that the best interests of the District and parish councils and residents of South Cambridgeshire are upheld should situations arise where a member is disqualified or no longer has the confidence of those he or she was appointed to represent.

**Background Papers:** the following background papers were used in the preparation of this report:

Relevant legislation and Standards for England guidance  
SCDC Constitution  
Report to Standards Committee 10 March 2010

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