



Subject:	Standards Committee – Draft Terms of Reference
Date:	23rd October, 2020
Reporting Officer:	Susanne Wylie, Chief Executive John Walsh, City Solicitor / Director of Legal & Civic Services
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Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of Main Issues
1.1	The purpose of this report is to update the Committee on the development of draft Terms of Reference for a new Standards Committee
2.0	Recommendations
2.1	The Committee is recommended to: (i) note the attached report; and (ii) approve, in principle, the attached draft terms of reference for the Standards Committee
3.0	Main Report
3.1	<u>Background</u>

	<p>At its meeting on 18th September, the Committee agreed to introduce additional arrangements to ensure that the Council, its officers and Elected Members maintain the highest standards of conduct in all that they do. Such arrangements included the establishment of a new Standards Committee, the designation of a “Monitoring Officer” responsible for all issues in relation to standards, and the introduction of a number of new governance arrangements aimed at promoting and maintaining high standards of conduct by Councillors and officers.</p>
<p>3.2</p>	<p><u>Standards Committee Terms of Reference</u></p> <p>It is proposed that the Council establish a Standards Committee whose main functions would be to promote, sustain and safeguard the conduct of Councillors within the Council and the probity of all the Council’s proceedings.</p> <p>The Terms of Reference for the Committee could include the promotion and maintenance of high standards of conduct by Members and officers, a commitment to joint working across political groups and between officer and Members, oversight of any training required on all matters relating to standards and conduct, advising the Council on the Code of Conduct for Councillors and oversight of the Members’ Register and Declaration of Interests and associated procedures. The committee will have a role in managing and maintaining the officer/member interface and relations. It will promote a shared understanding of roles and look at how we work collectively in a political environment.</p> <p>A copy of the draft terms of reference is attached. These are draft Terms of Reference which will be updated based on the detail of the processes to be developed. Any updates will be brought back to Members for approval.</p>
<p>3.3</p>	<p><u>Complaints raised by an Officer about a Member</u></p> <p>Complaints raised by an officer about a Member are already dealt with under the existing Local Government Employee and Councillor Working Relationship Protocol (issued by the Local Government Staff Commission).</p> <p>Paragraph 5.9 of that Protocol provides that if an issue cannot be resolved informally and is sufficiently serious, that a formal meeting between the dispute parties, the relevant party group leader and a senior HR representative should take place. The Protocol advises that the minutes of any such meeting be presented to the relevant governance committee in the Council which in this case will be the Standards Committee.</p>

Low level disputes between Members

It is proposed that the Standards Committee will be notified of the outcome of any “low level disputes” between Members which have been dealt with under a voluntary proposed Local Resolution Protocol which will facilitate mediation of such disputes. Low level disputes are defined as those relating to alleged breaches in respect of the following paragraphs of the Code of Conduct:

- Code para 4.7 - You must not make vexatious, malicious or frivolous complaints against other councillors or anyone who works for, or on behalf of, your council.
- Code para 4.13(a) - You must show respect and consideration for others.

In such cases, the Committee will be advised as to the outcome of the mediation process – for example if no action was taken or if the issue was resolved successfully. The Committee will note that participation in the Local Resolution Protocol is entirely voluntary and any individual councillor is free to make a complaint to the Commissioner for Standards at any time.

Members will note that the introduction of a Local Resolution Protocol to deal with “low level disputes” will be subject to discussions with both the Department for Communities and the Office of the Northern Ireland Local Government Commissioner for Standards.

Serious Potential Breaches of the Code of Conduct

It is proposed that, on occasion, it will be possible for the Standards Committee itself to refer a Member to the Local Government Commissioner for Standards if the Committee feels that the Member might have breached the Code of Conduct for Councillors. This may be particularly relevant with regards to issues which are not categorised as low level disputes between Members but which are serious enough to damage the reputation of the Council.

In such a scenario the Monitoring Officer may identify or be notified of a potential breach of the Code of Conduct. After carrying out any necessary initial inquiries the Monitoring Officer will bring a report to the Standards Committee with a recommendation that either no further action is taken or that the Member be referred to the Commissioner for Standards.

There would however be some element of flexibility in matters of urgency or potential criminal matters where a referral may need to be made directly by the Chief Executive or the Monitoring Officer. The Chief Executive and the Monitoring Officer will therefore retain a residual right to refer any Member to the Local Government Commissioner for Standards regardless of whether the Committee has endorsed a recommendation to do so.

3.4	<p><u>Corporate ethics / procurement</u></p> <p>It is also suggested that the Standards Committee has an oversight role on consideration of issues in relation to corporate ethics including ethical standards, procurement, trading and investment in line with the developing corporate procurement strategy which is being brought to Members in the coming months.</p>
3.5	<p><u>Financial and Resource Implications</u></p> <p>There will be minor financial implications associated with introducing a new Standing Committee. If the Standards Committee is to meet quarterly then it will require an associated Special Responsibility Allowance be allocated to the Chair and Deputy Chair positions of responsibility and funded from the reallocation of the existing Special Responsibility Allowance fund.</p> <p>The committee will be serviced by existing resources within Governance and Compliance; and Democratic Services. A budget will be required to cover any associated training and external mediation services.</p>
3.6	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>Any equality, good relations and rural needs assessments implications will be subject to the usual screening processes.</p>
4.0	Document Attached
	Draft Terms of Reference