



Subject:	Standards and Business Committee: Draft Terms of Reference
Date:	23rd April, 2021
Reporting Officer:	Suzanne Wylie, Chief Executive; John Walsh, City Solicitor / Director of Legal and Civic Services
Contact Officers:	Sarah Williams, Governance and Compliance Manager; Jim Hanna, Senior Democratic Services Officer

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/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 and Business Committee.
2.0	Recommendation
2.1	The Committee is recommended to note the attached report.
3.0	Main Report
3.1	<u>Background</u>
3.1.1	The Strategic Policy and Resources Committee, at its meeting on 18th September 2020, 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. It was agreed that the

<p>3.1.2</p> <p>3.1.3</p> <p>3.1.4</p>	<p>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 role of the Committee will 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.</p> <p>The Committee will seek to enhance Member/Officer relations and promote a shared understanding of roles and responsibilities when working collectively in a political environment.</p> <p>In response to discussions at subsequent Committee meetings and with Party Groups it has been proposed that the new committee may also incorporate responsibility for specific roles in relation to managing some of the business of the Council, including reviewing Standing Orders and a delegated power to receive Notices of Motion. The Committee will operate on the basis of all Party membership but Members will note that this will require a facilitative arrangement with mutual agreement from all parties.</p>
<p>3.2</p> <p>3.2.1</p> <p>3.2.2</p> <p>3.2.3</p>	<p><u>Standards and Business Committee – Proposed Terms of Reference</u></p> <p>The main functions of the proposed Standards and Business Committee would be to promote, sustain and safeguard the conduct of Councillors within the Council; to promote a collaborative working relationship between senior officers and Members; to ensure the probity of all the Council's proceedings; and to review and improve processes in relation to bringing business before the Council, including any review of Standing Orders.</p> <p>The Committee will have oversight of a Local Resolution Protocol which will deal with "low level disputes" between Members alleging breaches of the Code of Conduct for Councillors and will aim to restore positive working relationships through mediation.</p> <p>The Committee will have delegated authority to consider any recommendation by the Monitoring Officer to refer any Councillor to the Local Government Commissioner for Standards in respect of any potential breach of the Code of Conduct for Councillors, particularly where the alleged breach relates to a matter which would potentially have a reputational consequence for the Council. In such cases the Monitoring Officer will retain a residual right to refer any matter to</p>

<p>3.3.4</p> <p>3.3.5</p> <p>3.3.6</p> <p>3.3.7</p>	<p>the Commissioner for Standards regardless of whether the Standards Committee has endorsed a recommendation from the Monitoring Officer to do so.</p> <p>A protocol will be developed on how information will be minuted so that personal information cannot be raised or discussed at Committee or Council meetings.</p> <p>The Committee will also consider any update reports into investigations carried out by the Public Services Ombudsman / Commissioner for Standards.</p> <p>The Standards and Business Committee will also seek to improve processes in relation to bringing business before the council, including referring Notices of Motion and making amendments to Standing Orders. However, it is not proposed that the Committee will have any role in relation to the agenda setting of any other Standing Committee but it will keep under review the overall business brought before the Council.</p> <p>A copy of the draft terms of reference are attached at Appendix 1. 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>New Process for Notices of Motion</u></p> <p>It is proposed that:</p> <ul style="list-style-type: none"> • In the case of urgent Notices of Motion, the proposer will have the option to take the Notice of Motion either to the Standards and Business Committee or to full Council. • The Standards and Business Committee will have delegated authority to adopt or reject Notices of Motion. In either case, the Lord Mayor will indicate at Council those Notices of Motion that have been considered by the Standards and Business Committee and whether such Notices of Motion were rejected or adopted. In either case, the proposer only may speak on the issue at Council. • The Standards and Business Committee will refer all Notices of Motion directly to a standing committee when the matter to which the Notice of Motion refers falls within the remit of that committee. At Council, the Lord Mayor will indicate that the Notice of Motion was received and referred. There will be no speakers on such Notices of Motion at Council.

	<ul style="list-style-type: none"> • The Standards and Business Committee will refer Notices of Motion for consideration by full Council when the Notice of Motion relates to a <u>strategic</u> or constitutional matter. • The Standards and Business Committee will not have the power to amend the wording of any Notice of Motion that is being referred to full Council for debate. • Any amendments to Notice of Motions to be proposed at Council are to be furnished at least one day in advance of going to full Council and will be circulated to Party Group Leaders in advance of the Council meeting. • In referring any matter to full Council, the Standards and Business Committee may determine to restrict contributions to the debate in relation to any Notice of Motion to one per political party. At Council, the Lord Mayor will clearly indicate if the restriction applies. <p>The proposed changes required to the Standing Orders would be brought to next months' meeting of the Strategic Policy and Resources Committee if this report is approved.</p>
<p>3.4</p> <p>3.4.1</p> <p>3.4.2</p> <p>3.4.3</p>	<p><u>Next Steps</u></p> <p>It is proposed that the new Committee, consisting of 20 Members, be constituted at the next AGM in June 2021. A review of the operation of the Committee and its associated processes will be undertaken in six months.</p> <p>The Members have indicated a wish to have all party representation on the Committee. In order to ensure that this will happen, it will need to be mutually agreed, in advance of each new term of office, during the annual selection of remaining places on Committees, that the requisite spaces are reserved for those Parties which do not have a seat automatically allocated on the Committee.</p> <p>It is proposed that amendments to the Standing Orders will be brought to the May SP&R Committee to provide delegated authority for the new Committee to refer Notices of Motion to Council and to amend the defined timescales for submission and processing of such motions to fit within the monthly meeting cycle.</p>
<p>3.5</p>	<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 and Business Committee is to meet monthly then it will require an</p>

3.6	<p>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 Services, including Democratic Services. A budget will be required to cover any associated training and external mediation services.</p>
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3.7	<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	Documents Attached
	<p>Appendix 1 – Draft Terms of Reference</p> <p>Appendix 2 – Proposed process for Notices of Motion</p> <p>Appendix 3 – Proposed Membership of Committee</p>