

Extract from minutes of:-

## STRATEGIC POLICY AND RESOURCES COMMITTEE

23rd April, 2021

### **Standards and Business Committee – Draft Terms of Reference**

The Committee considered the following report:

#### **“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 report.**

#### **3.0 Main Report**

##### **3.1 Background**

**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 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.**

**3.1.2 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.**

**3.1.3 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.**

**3.1.4 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.

### **3.2 Standards and Business Committee – Proposed Terms of Reference**

- 3.2.1** 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.
- 3.2.2** 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.
- 3.2.3** 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 the Commissioner for Standards regardless of whether the Standards Committee has endorsed a recommendation from the Monitoring Officer to do so.
- 3.3.4** 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.
- 3.3.5** The Committee will also consider any update reports into investigations carried out by the Public Services Ombudsman / Commissioner for Standards.
- 3.3.6** 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.
- 3.3.7** A copy of the draft terms of reference are 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 the Committee for approval.

### **3.3 New Process for Notices of Motion**

It is proposed that:

- 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.
- The Standards and Business Committee will refer Notices of Motion for consideration by full Council when the Notice of Motion relates to a strategic 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.

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.

### **3.4 Next Steps**

- 3.4.1 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.

- 3.4.2 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.
- 3.4.3 It is proposed that amendments to the Standing Orders will be brought to the Strategic Policy and Resources 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.

#### **Financial and Resource Implications**

- 3.5 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 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.
- 3.6 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.

#### **Equality or Good Relations Implications/ Rural Needs Assessment**

- 3.7 Any equality, good relations and rural needs assessments implications will be subject to the usual screening processes.

### **DRAFT TERMS OF REFERENCE**

The draft Terms of Reference for the Standards and Business Committee may include some or all of the following functions:

#### **Standards**

- promoting and maintaining high standards of conduct by elected Members and in their working relationship with officers
- a commitment to encourage positive joint working across political groups and between officers and Members and to uphold the high standards of values and behaviours in a relationship of mutual trust
- supporting and facilitating collaborative working between Members and senior officers, particularly to support the consideration of strategic priorities by relevant Committees

- **advising the Council on the Code of Conduct for Councillors including any revisions to the Code**
- **oversight of any training required to train Members and relevant officers on all matters relating to standards and the promotion of the 12 Principles of Conduct in public life, including the Local Government Code of Conduct for Councillors and any associated training identified by the Committee**
- **oversight of the Members' Register and Declaration of Interests**
- **to develop, monitor and review any local protocols required to support the standards regime within the Council**
- **to ensure adherence to the Local Government Employee and Councillor Working Relationship Protocol**
- **to consider any minutes of a formal meeting held under Section 5.9 of the Local Government Employee and Councillor Working Relationship Protocol [tbc re GDPR]**
- **oversight of the Local Resolution Protocol which will deal with "low level disputes" alleging breaches of the Code of Conduct for Councillors and is designed to restore positive working relationships through mediation<sup>1</sup>**
- **consideration of 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**
- **the Monitoring Officer will retain a residual right to refer any matter to the Commissioner for Standards regardless of whether the Standards Committee has endorsed a recommendation from the Monitoring Officer to do so**
- **oversight of the procedural requirements of any mediation process put in place to restore internal relationships between Political Parties, Members and/or officers**
- **consideration of update reports into investigations carried out by the Public Services Ombudsman / Commissioner for Standards**
- **oversight of the implementation of recommendations made by the Public Services Ombudsman / Commissioner for Standards**
- **providing recommendations to the Strategic Policy and Resources Committee in respect of any amendments which need to be made to the Council Constitution in relation to the standards regime within the Council**

---

<sup>1</sup> The Local Resolution Protocol will only deal with minor complaints about councillors made by other councillors. The Protocol will not consider complaints made by officers, members of the public or other third parties. The Protocol will not consider complaints made about officers.

- In respect of any other matter which may require some consideration in the context of standards, acting in an advisory capacity, with reports referred to it either directly by the reporting officer or by another Standing Committee
- consideration of agenda items for other Standing Committees which identify standards implications

### **Business**

- receiving and reviewing all Notices of Motion and using the Committee's delegated power to recommend either adoption or debate at the next Council meeting
- Reviewing Council Standing Orders with a view to making recommendations to the Strategic Policy and Resources Committee
- initial consideration and review of Council matters that are under internal or external investigation
- keeping under review and monitoring the Council's Scheme of Delegation
- keeping under review and monitoring the Council's administrative and procedural arrangements in relation to governance"

### **Proposal 1**

Moved by Councillor Groogan,  
Seconded by Councillor Heading,

That the Committee agrees, in principle, to establish a Committee, and in advance of that, to set up a time bound working group to enable all Political Parties to work out recommendations on how to proceed. The working group should be facilitated by an external facilitator such as NILGA, if agreeable, and be tasked with producing a report on what Members currently view as the issues needing resolved and putting forward a set of independent recommendations for improvement and/or the remit/role/functions of the Standards and Business Committee.

On a vote, two Members voted for the proposal and seventeen against and it was declared lost.

### **Proposal 2**

Moved by Councillor McAllister,  
Seconded by the High Sheriff (Councillor Long),

That the Committee agrees to remove the Business element from the new Committee.

On a vote, six Members voted for the proposal and thirteen against and it was declared lost.

### **Proposal 3**

Moved by Councillor Walsh,  
Seconded by Councillor Garrett,

That the Committee agrees to adopt the proposed draft Terms of Reference for the new Standards and Business Committee.

On a recorded vote, thirteen Members voted for the proposal and six against and it was declared carried.

<b><u>For 13</u></b>	<b><u>Against 6</u></b>
Councillor Black (Chairperson); Aldermen Dorrian, Haire, Kingston and Sandford; and Councillors Beattie, Bunting, Carson, Garrett, McLaughlin, Murphy, Pankhurst and Walsh.	The High Sheriff (Councillor Long); and Councillors Groogan, Heading, McAllister, McDonough-Brown and McReynolds.