

Comments from Standards Committee

Highlighting how the comments have been taken into account in the draft

15 October 2024

The Committee noted that no comments had been received from any Councillors not appointed to the Committee.

The Committee was informed that a revised draft of Part 5 (Overview & Scrutiny) had been circulated on 14th October. This was the version discussed by the Committee.

It was pointed out that there were some typographical errors in the draft e.g. in paragraph 1.2 the word should be “three” not “thee”. ✓ These would be picked up for the “wash up” session in November, together with any necessary amendments for the purposes of gender-neutral language

PART 5 – OVERVIEW & SCRUTINY (Revised document circulated by email on 14th October)

Paragraph 1.4, Page 1

The reference to “member-led” scrutiny was discussed. The use of a “Minority Report” as an addendum to the decision should be considered when the Scrutiny Committee’s views on a particular issue is not conclusive. **No change**

Paragraphs 1.2 and 1.6, Pages 1 and 2

The Committee had a lengthy discussion regarding the number of Councillors appointed to Overview & Scrutiny Committees, the number of Scrutiny Committees, the balance of responsibilities with the remit of each Scrutiny Committee and duration of the meetings.

It was agreed that an options report come back to Standards on 12 November and which sets out what the numbers on committees are at our statistical neighbour authorities (there is info on these held by the LGA of CiPFA) and what the political proportionality and member-workloads would look like for a selection of options. The range proposed by members was very wide (7-15), but the main consensus from the meeting was that it could be built around a number between 9 and 13.

It also suggested that the report cover the options for a separate Overview & Scrutiny Committee specifically for Health with options for two and three Overview & Scrutiny Committees dealing with the Council’s functions. **Carry forward**

Paragraphs 1.19 & 1.20, Page 6 - Scrutiny of Flood Risk Management

The Committee noted that this was not a legal requirement and felt this could be deleted. This could be included within the list of areas covered by each Scrutiny Committee's remit **There is provision for this in s9FH LGA 2000 can be included in list of functions scrutinised by the relevant committee.**

Overview & Scrutiny Procedure Rules

Paragraphs 2.5 – 2.7, Page 13

The Committee discussed the provisions for the Chair and Vice-Chair of Overview and Scrutiny Committees being elected or appointed from any political group (including the from the administration) rather than only from opposition groups. It was noted that the current provisions were consistent with other local authorities and allows more flexibility. This could be changed by any administration at a later date should they wish to do so. Clarification of the definitions being elected or appointed would be sought.

Changed language in 2.6

Paragraph 2.23, Page 16

Further clarity /definition is needed in respect of the Leader's ability to withhold a document or part of it from a Councillor should they consider it appropriate to do so. Although this is set out in legislation, perhaps a reference to this could be included in the procedure rules. **√ 2012 SI included**

Paragraph 2.32 - Questions, Page 18

The Committee discussed the provisions enabling questions from Councillors. Councillors living within the City can ask a question as a resident. If, however, an elected Councillor lives outside of the City, this is not possible. It therefore suggested that a period of up to 15 minutes be included for questions from Councillors and responses. **√ see 2.36** The questions should be no longer than 150 words in length and the response shall be no longer than 250 words **√ see 2.34 and 2.40**

Paragraph 2.48 and 2.49, Page 20

The Committee discussed the duration of Overview & Scrutiny Committee meetings. The duration and possible extension of time specified in these paragraphs were inconsistent with the duration of Committees set out in Part 3 where 3 hours is specified as the duration with the opportunity to extend the meeting for a further 30 minutes. The duration of Overview & Scrutiny Committee meetings should be the same, 3 hours with an opportunity to extend for a further 30 minutes. **√**

Call-in Procedure

Paragraph 4.7, Page 21

The Committee recommended that the current procedures for call-in should be retained. ✓ x2 Call-in Procedures from the existing Constitution have been included.

PART 6 – COUNCILLORS

Paragraph 2.4(c), Page 45

It was noted that Unitary Authorities were not listed. The Order when Southend on Sea Borough Council became a Unitary Authority would be checked . ✓ xref to description in the localism Act 2011

Paragraph 4.12, Page 65 – 1st Bullet Point

The words “eg Councillors will generally know their Wards better than Officers.” should be deleted. ✓

Paragraph 4.17, Page 66

Delete first sentence “A key part of a Councillors role is to act as a political representative.” as this is not needed. ✓

Paragraph 4.22, Page 67

It was felt that the wording of this paragraph needs reviewing. ✓

Paragraph 4.25, Page 68 – 1st Bullet Point

The wording is quite restrictive. Although this was understood, it should also reflect the individual wishes of the relevant Councillor how they would like to be addressed. ✓ less restrictive changed means to involves

Arrangements for Dealing with Complaints Against Councillors

Paragraph 15.31, Page 92

Concern was expressed at there being no right of appeal to a Hearing Sub-Committee’s decision. Advice from Antony Collins Solicitors would be sought. There is no legal right of appeal because the livelihood of the member is not at risk. This is the approach supported by the LGA in the latest guidance on the arrangements councils should operate - “Given that the framework and sanctions are meant to be light-touch and proportionate, there should be no right of appeal against a decision on a Code of Conduct complaint” <https://www.local.gov.uk/publications/guidance-member-model->

[code-conduct-complaints-handling#appeals](#). Previous [The Local Authorities \(Code of Conduct\) \(Local Determination\) Regulations 2003](#), repealed in 2011.

Appendix – Sanctions for a Breach of the Code of Conduct for Councillors

10th Bullet Point, Page 93

This sanction needs further clarification as to whether this is consistent with the legislation. [Access to equipment is permissible – arguments that it interferes with ability for councillor to act – Devon CC unsuccessful JR – where Cllr banned from certain parts of premises but to limit access to emails or intranet would go to far therefore amended.](#)

[Note Part 5 Members Allowance – corrections made to reflect scheme approved by full council](#)