

**REPORT OF THE MONITORING OFFICER/CITY SOLICITOR**

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**TO**

**STANDARDS COMMITTEE – 8 DECEMBER 2022**

**COUNCIL – 18 JANUARY 2023**

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**TITLE:** TO AMEND ARTICLE 9 OF THE COUNCIL’S CONSTITUTION – QUORUM  
STANDARDS COMMITTEE

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**RECOMMENDATIONS:**

That the Standards Committee recommend to full Council the amendment of Article 9 of the Council’s Constitution as proposed in the Appendix to this report

That the Council approve the amendment of Article 9 of the Council’s Constitution as proposed in the Appendix to this report

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**EXECUTIVE SUMMARY:**

The purpose of this report is to seek the support of the Standards Committee and the approval of the Council to substitute for the current Article 9 of the Council’s Constitution the revised Article 9 at the Appendix to this report .

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**BACKGROUND DOCUMENTS:**

None

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**KEY DECISION: NO**

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## **DETAILS:**

### **1. Background**

1.1 Article 9.2 of the Council's Constitution sets out provisions relating to the quorum of the Standards Committee and who should chair the Committee as follows:

c) Chairing the Committee

The Council will appoint one of the co-opted independent members as Chair of the committee. In the absence of the appointed Chair, the committee will be chaired by the other independent member, and in the absence of both independent members will be chaired as determined by the committee.

d) Quorum

The quorum for the Standards Committee shall be three voting members and the chair

1.2 Although Article 9 of the Constitution envisages that Council would appoint two co-opted Independent Members to the Standards Committee there is only one appointed at this time, one post is vacant despite attempts to recruit. Currently, If the Independent Member is unable to attend a meeting of the Standards Committee then the meeting would be unable to proceed because under Article 9.2d) the Committee would be inquorate.

### **2. Proposed amendment to Article 9 of the Constitution**

2.1 To avoid this issue it is proposed to remove the requirement for the Independent member to be present at the meetings unless the meeting is a Standards (Hearing) Sub- Committee or a meeting of the Committee where the following matters are being considered:

- the determination of whether a Member has failed to comply with the Council's Code of Conduct for Members ("the Code");
- the sanctions for any such Member found to have breached the Code;
- the granting of dispensations where the Standards Committee 2011 (after consultation with one of the council's Independent Persons):
  - considers that granting the dispensation is in the interests of persons living in the council's area, or
  - considers that it is otherwise appropriate to grant a dispensation;
- determining appeals against the Monitoring Officer's decision on the grant of dispensations.

2. It is also proposed to remedy some numbering / typographical issues in Article 9 as highlighted in the Appendix.

**3. Recommendation**

3.1 The recommendation is set out at the beginning of this report.

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**KEY COUNCIL POLICIES:** N/A

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**EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS:** N/A

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**ASSESSMENT OF RISK:** There is no direct risk to the Council.

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**LEGAL IMPLICATIONS Supplied by:** Provided by Shared Legal Service and set out in this report.

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**FINANCIAL IMPLICATIONS Supplied by:** N/A

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**PROCUREMENT IMPLICATIONS Supplied by:** N/A

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**HR IMPLICATIONS Supplied by:** N/A

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**CLIMATE CHANGE IMPLICATIONS Supplied by:** N/A

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**OTHER DIRECTORATES CONSULTED:** None

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**WARDS TO WHICH REPORT RELATES:** All