

BABERGH DISTRICT COUNCIL

FROM: The Monitoring Officer

REPORT NUMBER: **G227**

TO: OVERVIEW AND SCRUTINY
(STEWARDSHIP) COMMITTEE

DATE OF MEETING: 18 March 2008

SIZE AND COMPOSITION OF THE STANDARDS COMMITTEE

1. PURPOSE OF REPORT

- 1.1 To seek amendment to the Constitution to allow for the increase in size and composition of the Standards Committee.

2. RECOMMENDATION TO COUNCIL

- 2.1 That the Membership of the Standards Committee be increased from eight to ten members to include three Independent Members and three Parish/Town representatives members and that the Constitution be amended accordingly.
- 2.2 That the Standards Committee be authorised to enter joint arrangements for the discharge of functions with the Standards Committee of another authority.
- 2.3 Subject to recommendation 2.2, that the Head of Corporate Services be authorised to update the Council's Scheme of Delegation in Part 3 of the Constitution including details of the joint arrangements together with any consequential amendments.

The Committee is asked to make the above recommendations to Council.

3. FINANCIAL IMPLICATIONS

- 3.1 Co-opted members of the Standards Committee currently receive an allowance of £703. Therefore, increasing the number of co-opted members on the Committee (from 2 to 4) will give rise to additional financial liability of £1,406 per year, plus any travel and subsistence expenses arising in connection with Committee functions.

4. RISK MANAGEMENT

- 4.1 This report is most closely linked with the Council's Significant Business Risk No. 4 (governance). Key risks are set out below:

Risk Description	Likelihood	Seriousness or Impact	Mitigation Measures
The Standards Committee has insufficient numbers to discharge its statutory functions	Significant	Marginal	Increase co-opted membership to Committee. Alternatively, to refer hearings to another authority for determination

5. **KEY INFORMATION**

- 5.1 With effect from Spring 2008, all complaints under the Code of Conduct for Members will be made to the Standards Committee. The complaints function will be discharged by three Sub Committees; the first to consider whether a complaint merits investigation, the second to undertake a review of a decision not to investigate a complaint (if requested by the complainant) and the third to hear a complaint that has been investigated.
- 5.2 Each Sub-Committee will comprise three members. An independent member will need to be on each Sub-Committee. A parish representative must also be on the Sub-Committee where the complaint concerns a parish or town councillor.
- 5.3 The Standards Committee currently comprises four elected members of the Council, two independent members and two town/parish council members.
- 5.4 Reciprocal arrangements are being put into place with Mid Suffolk District Council for our Standards Sub-Committees to undertake reviews of each other's decisions not to investigate a complaint. This type of arrangement is permitted under section 101 of the Local Government Act 1972. However, with only two independent and parish representatives on the Committee there may still be insufficient members if a complaint goes to a hearing and a member is unavailable or has a conflict of interest.
- 5.5 Legislative provision had been expected to allow standards committee members to serve on another authority's committee, but that now appears unlikely. Whilst any difficulty with numbers might be overcome by referring complaints hearings to another Standards Committee, this would be contrary to the concept of a locally based complaints regime.
- 5.6 The Standards Board for England has recommended that a Standards Committee should comprise at least three town/parish representatives and at least three independent members (see Appendix 1). The Relevant Authorities (Standards Committee) Regulations 2001 require that at least 25% of the Standards Committee must be independent members.
- 5.7 For the reasons set out above it is recommended that the Constitution be amended to increase membership of the Standards Committee from eight to ten members, to include three independent members and three parish/town representatives. Article 14.02 of the Constitution requires the Overview and Scrutiny Committee to consider a proposal to amend the Constitution.

6. **APPENDIX**

Appendix 1 – extract from Bulletin 37 from the Standards Board for England

7. **BACKGROUND PAPERS REFERRED TO:**

None.

CONTACT: Kathryn Saward

DIRECT LINE: 01473 825729

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Independent members and parish representatives in the local framework

The Local Authorities (Standards Committee) Regulations 2001 provide for the size and make-up of standards committees, and for the appointment of parish and independent members. Authorities are required to have at least three people on their standards committee and at least one must be an independent member.

Further to this, the Local Government and Public Involvement in Health Act 2007 requires all standards committees to have an independent chair. The assessment of Code of Conduct complaints will soon become the responsibility of standards committees. It is therefore vital that local authorities begin the process, if they have not already done so, of recruiting the necessary number of high calibre independent members.

The Standards Board for England recommends that each standards committee has a minimum of three independent members. If the authority is responsible for parish councils it recommends that each standards committee has at least three parish or town council representatives. This is so that the standards committee will have a different independent member, and parish representative if applicable, available to undertake each of the assessment and review functions. It also gives enough flexibility should an independent member or parish representative be unavailable or have a conflict of interest.

A person is only eligible to become an independent member if they meet the following criteria:

- They have not been a member or employee of the authority for five years before the date of appointment.
- They are not a member or officer of any authority currently.

- They are not a close relative or close friend of a member or employee of the authority.
- They filled in an application for the position.
- They have been approved by the majority of members of the authority.
- The position has been advertised in at least one newspaper distributed in the authority's area.

The successful recruitment of independent members and parish representatives is important for the effective operation of standards committees. In order to attract the greatest number of high calibre people, authorities should advertise as widely as possible. You may wish to consider additional methods of recruitment in addition to advertising in the local press. These could include:

- Advertising on your website or your local radio station.
- Placing flyers in libraries, adult learning centres or places of worship.
- Advertising through other authorities' partnerships or through the local voluntary or community sector.
- Contacting neighbouring authorities who may have good candidates that they don't have room to appoint.

As part of the recruitment campaign for independent members, standards committees may wish to set up a panel of suitably trained members to shortlist and interview potential candidates. The monitoring officer should play an active role and be involved throughout the recruitment process, advising the panel on the appropriate steps.