

COUNCIL – 23RD JUNE 2008

Report of the Monitoring Officer

ITEM 5.8 COMPOSITION OF THE STANDARDS COMMITTEE

Purpose of Report

To enable the Council to approve a change in the composition of the Standards Committee to increase the number of Parish Members of the Committee from two to three.

Recommendation

1. That the composition of the Standards Committee be amended to increase the number of Parish Members of the Committee from two to three and that the Council's Constitution be amended accordingly.
2. That the quorum for meetings of the Standards Committee be amended from five to six and that the Constitution be amended accordingly.

Reasons

1. To enable the work of the Committee to be distributed among more members as the role of the Committee expands, reduce the risk that no Parish Member would be available due to conflicts of interest and comply with guidance from the Standards Board for England.
2. To change the quorum as a consequence of the increase in the size of the Committee.

Background

The Local Government and Public Involvement in Health Act 2007 and the Standards Committee (England) Regulations 2008 established the Standards Committee's new local assessment role. The Committee is now responsible for receiving complaints that members of the Borough Council and the 27 Parish and Town Councils in the Borough have failed to comply with the Code of Conduct and determining whether those complaints should be referred for further action or not. The Committee must also review decisions to take no action where the complainant requests it.

This additional responsibility will be carried out by Panels, made up of members of the Committee. Where a complaint concerns a parish or town councillor one of the members of the Panel must be one of the Parish Members of the Committee. If there is a request by the complainant for a review of a decision to take no action in respect of a complaint then the Panel reviewing the decision must be drawn from those members of the Committee who were not members of the Panel who took the original decision. The Committee currently has two Parish Members and would not be able to carry out its local assessment and review functions if one of the Parish Members had a conflict of interest and was unable to be a Panel Member. As a result, guidance from the Standards Board for England is that those Committees which have responsibility for the Parish and Town Councils in their area should have

at least three Parish Members rather than the legal minimum of two. In addition, both current Parish Members are councillors in neighbouring parts of the Borough, increasing the possibility that they will have the same conflict of interest.

It would, therefore, be beneficial to the work of the Committee to increase the number of Parish Members from two to three to enable this to be distributed among more members and reduce the risk that no Parish Member could be appointed to a Panel due to conflicts of interest. The Standards Committee considered the proposed change to its composition at its meeting on 9th June 2008 and supported it.

The appointment of an additional Parish Member of the Committee would result in a Committee of 11 members (three Independent Members, three Parish Members and five Borough Councillors) and a quorum of six. The Standards Committee (England) Regulations 2008 require that at least 25% of the members of the Committee must be Independent Members. The new composition of the Committee would meet that requirement by having three Independent Members on a Committee with 11 members (27%).

There would be a small cost associated with the decision to appoint an additional Parish Member as there is a basic allowance associated with the appointment. The allowance is small (currently £239 per annum) and can be met from within existing budgets. The decision does not therefore meet the criteria set out in Council Procedure Rule 12 (Motions on Expenditure) of a material increase in the net expenditure on any service that would require the decision to be referred to the Cabinet.

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