

## **Summary Sheet**

### **Name of Committee and Date of Committee Meeting**

Standards and Ethics Committee – 1 May 2018

### **Report Title:**

The Membership of the Standards and Ethics Committee and the Appointment of Independent Persons

### **Is this a Key Decision and has it been included on the Forward Plan?**

No

### **Strategic Director Approving Submission of the Report**

Judith Badger, Strategic Director of Finance and Customer Service

### **Report Author(s)**

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### **Ward(s) Affected**

All

## **Executive Summary**

This report reviews the current membership of the Standards and Ethics Committee and the arrangements for the Council's Independent Persons and makes recommendations to refresh the membership of the Committee and to re-appoint the current Independent Persons.

## **Recommendations**

That the Committee:

1. Recommend that Council confirms the appointment of the current Town and Parish Council representatives until further nominations are received from the Town and Parish Councils.
2. Invite the Town and Parish Councils in the Borough to nominate three representatives who are members of a Town or Parish Council to be members of the Committee.

3. Recommend that Council confirms the appointment of the current Independent Members of the Committee until the end of the 2018/19 municipal year.
4. Recommend that Council confirms the retrospective re-appointment of the current Independent Persons until the end of the 2018/19 municipal year.

**List of Appendices**

N/A

**Background Papers**

Previous reports to Standards and Ethics Committee and full Council Minutes

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

None

**Council Approval Required**

Yes

**Exempt from the Press and Public**

No

## **The Membership of the Standards and Ethics Committee and the Appointment of Independent Persons**

### **1. Recommendations**

#### **1.1 That the Committee:**

- i) Recommend that Council confirms the appointment of the current Town and Parish Council representatives until further nominations are received from the Town and Parish Councils.
- ii) Invite the Town and Parish Councils in the Borough to nominate three representatives who are members of a Town or Parish Council to be members of the Committee.
- ii) Recommend that Council confirms the appointment of the current Independent Members of the Committee until the end of the 2018/19 municipal year.
- iii) Recommend that Council confirms the retrospective re-appointment of the current Independent Persons until the end of the 2018/19 municipal year.

### **2. Background**

- 2.1 The current Standards and Ethics Committee was established in 2012 following the implementation of the Localism Act 2011. Article 11 of the Council's Constitution makes the following provision for the membership of the Committee:

#### ***11 The Council's Standards Committee Membership***

*(1) The Council's Standards Committee will be composed of –*

- *eight Councillors other than the Mayor and Leader;*
- *three members of a town or parish councils within the Borough (parish members) to be appointed by the town and parish councils that have delegated their powers under Chapter 7 of the Localism Act 2011 to the Council; and*
- *five persons who are not councillors or officers of the Council (independent members).*

*Independent members*

*(2) Independent members are not entitled to vote at meetings of the Council's Standards Committee.*

*Parish members*

*(3) Town and parish council members are entitled to vote at meetings of the Standards Committees.*

## *Chairing the Committee*

*(4) The chair and vice-chair of the Committee shall be borough councillors.*

- 2.2 The current members of the Committee were appointed by the Council at its Annual Meeting in May 2017. However the original 4 year terms of office of the representatives of town and parish councils expired in 2017 and the terms of office of three of the Independent Members expired in 2016. It is therefore timely to invite the Town and Parish Councils in the Borough to nominate fresh representatives and for the current representatives to be re-appointed by Council pending new nominations. On the previous occasion the Town and Parish Councils selected their nominees by a ballot of all Town and Parish Councillors, but the mechanism for selecting the nominees would be a matter for the Town and Parish Councils. Similarly, the Independent Members of the Committee are appointed by the Council and it is timely for the Committee to review its independent membership.
- 2.3 The Localism Act also required the Council to appoint at least one Independent Person who has duties in relation to the handling of complaints. In particular the Localism Act requires the independent person's views to be sought, and taken into account, by the Council before it makes its decision on an allegation it has decided to investigate. Council has previously appointed two Independent Persons, who are not members of the Committee, but their terms of office expired in 2017. It is now a matter of some urgency that the Council make arrangements to re-appoint the current Independent Persons retrospectively or to appoint new Independent Persons to enable the Council to hold Hearings Panels in compliance with the statutory requirements.
- 2.4 The Council's Constitution Working Group is reviewing the Council's Constitution and that work will include the terms of reference of this Committee.

### **3. Key Issues**

- 3.1 As set out above in Section 2, it is timely for the Committee to invite the Town and Parish Councils to make nominations for their three representatives on the Committee and it is necessary for the Committee to make a recommendation to the Council on the appointment of Independent Members to sit on the Committee.
- 3.2 It is also necessary for the Committee to make recommendations to Council on the appointment of Independent Persons.

### **4. Options considered and recommended proposal**

- 4.1 The recommendations to this report would enable the Town and Parish Councils to nominate new representatives and would secure the re-appointment of the current Independent Members and Independent Persons until the end of the 2018/19 municipal year. This would allow any further appointments to be considered in the light of any proposed changes to the terms of reference of the Committee which emerge from the Constitution Working Group.

**5. Consultation**

5.1 N/A

**6. Timetable and Accountability for Implementing this Decision**

6.1 Any appointments made by Council will take effect immediately.

**7. Financial and Procurement Implications**

7.1 None

**8. Legal Implications**

8.1 The appointment of at least one Independent Person by the Council is a statutory requirement. The terms of office of the two Independent Persons previously appointed have now expired and in order for the Council to comply with its statutory duties a further appointment is required. Until further appointments are made it will not be possible to hold Hearing Panels as it is a statutory requirement for there to be consultation with an Independent Person before a decision is made on a complaint which has been investigated. The recommendation is that Council be asked to retrospectively re-appoint the current Independent Persons to ensure that any consultation of the Independent Persons since the expiry of their terms of office is valid.

**9. Human Resources Implications**

9.1 None

**10. Implications for Children and Young People and Vulnerable Adults**

10.1 None

**11. Equalities and Human Rights Implications**

11.1 None

**12. Implications for Partners and Other Directorates**

12.1 None

**13. Risks and Mitigation**

13.1 None

**14. Accountable Officer(s)**

Dermot Pearson, Assistant Director of Legal Services