

NAME OF COMMITTEE	Council
DATE	31 July 2012
REPORT TITLE	Appointments to the Standards Committee, consequential and other amendments to the Constitution
Report of	Monitoring Officer and Democratic Services Manager
WARDS AFFECTED	All

Summary of report:

- To make appointments to the new Standards Committee
- To approve consequential amendments to the Constitution including the remit for the Standards Committee
- Remuneration of the Independent Persons
- Amended call-in procedures for O&S

Financial implications:

It is unlikely that the new Code and local arrangements will be any more costly to operate than the previous standards regime. The interim allowance payable to the new role of Independent Persons is £1,053 p.a. and equates to the remuneration payable to the former Independent Chairman of the Standards Committee. A small saving may be made if a lower (or no payment) is made to the Independent Person.

RECOMMENDATIONS:

1. To appoint the Chairman, Vice Chairman and Members to the Standards Committee
2. To approve the amendments to the Constitution as set out in Appendix A in relation to the new Standards Committee's terms of reference
3. To approve the minor amendments to the Audit Committee's terms of reference at Appendix B
4. To approve the minor amendments to the Overview & Scrutiny Committee's terms of reference at Appendix C
5. To approve the streamlined and more transparent procedures for call-ins by the Overview & Scrutiny committee shown at Appendix D
6. To agree the remuneration (if any) to be payable to the Independent Persons

7. To invite Group Leaders to appoint named substitutes for the Joint Rural Broadband Working Group, the Joint Member Development Steering Group and the Future Leisure Options Member/Officer Working Group.

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1. BACKGROUND

- 1.1 On 26 June 2012, the Council agreed new governance arrangements under the Localism Act 2011. The Council agreed to appoint a new Standards Committee to be responsible for the new standards functions and adopted a new Code of Members' Conduct.
- 1.2 This report deals with appointments to the new Standards Committee, and consequential amendments to the Constitution (including Overview & Scrutiny call-in procedures) and further consideration of the remuneration for 'Independent Persons'.

2. APPOINTMENTS

- 2.1 The Council must appoint a Chairman, Vice Chairman and seven other Borough Council Members to the new Standards Committee which is to be politically balanced. The Standards Committee will appoint sub-committees of three Members to deal with specific standards cases.
- 2.2 Members are requested to consider co-opting up to two parish/town council representatives to the Standards Committee (whether the parish representatives on the former Standards Committee or by inviting parish/town councils to nominate new representatives). Previously, the rules required the Council to appoint parish representatives to the Standards Committee with the same rights as Borough Council Members in debate and decision-making. There is no such requirement under the new rules, but the Council may co-opt parish/town councillors to the Standards Committee to participate in an advisory capacity only on parish or town council issues. The benefit of co-opting such members would be to ensure that the Committee had access to experience and local knowledge of parish matters.
- 2.3 Some Members have also requested that for meetings of the Joint Rural Broadband Working Group, Joint Member Development Steering Group and the Future Leisure Options Member/Officer Working Group, Group Leaders should be invited to appoint named substitutes. Once appointed, the Members felt that

costs should then be controlled by attendance at these meetings being restricted to the appointed Members and substitutes only.

3. AMENDMENTS TO THE CONSTITUTION

3.1 Attached at Appendix A is the draft remit for the new **Standards Committee** for Members' consideration. The Committee's terms of reference include:

- the continuing duty to promote high standards of governance and the Code of Conduct;
- responsibility for consideration of complaints (about Borough and parish/town councillors) referred by the Monitoring Officer;
- responsibility for dealing with investigation reports and hearings into complaints of misconduct by Borough and parish/town councillors
- granting dispensations to Borough Members; and,
- recommending sanctions or other action.

3.2 Attached at Appendix B is an amended **Audit Committee** remit. Amendments are shown shaded grey. Amendments include the function of overview of the Constitution (previously the responsibility of the old Standards Committee) together with some minor amendments required by the Chief Auditor to ensure compliance with current rules and practices.

3.3 Attached at Appendix C are the amended terms of reference for the **Overview & Scrutiny Committee**. Amendments are shown shaded grey. The remit now includes responsibility for an overview of Corporate Complaints and Ombudsman Complaints which were previously within the old Standards Committee remit.

3.4 Attached at Appendix D are the **Procedure Rules for the Overview & Scrutiny Committee**. Proposed amendments are shown shaded grey and include more streamlined and transparent arrangements for call-ins. Notably, it is proposed that the practice of producing Decision Notices will be replaced by circulating the minutes of the Resources Committee and the Community Services Committee two working days after a meeting date. In addition, these minutes will be sent out to all Members and not just those Members of the Overview & Scrutiny Committee.

4. REMUNERATION FOR INDEPENDENT PERSONS

4.1 At the Council meeting on 26 June 2012, Members appointed (for a transitional period to July 2013) the Independent Chairman of the previous Standards Committee as 'Independent Person', and agreed that the Monitoring Officer take steps to recruit a further Independent Person. The Council has discretion to remunerate the Independent Persons and, as an interim measure, Council agreed to award £1,053 p.a. which equates to the remuneration previously awarded (under the Members' Allowance Scheme) to the former Independent Chairman. Comparisons with other Devon authorities show that this interim

payment is higher than other councils whose payments range between £500 per annum per Independent Person, to no payment at all. One Council is referring the question of remuneration to the Independent Remuneration Panel. The Monitoring Officer will have details of the other Devon authorities' rates of payment available at the meeting.

- 4.2 Members are requested to review the interim payment arrangements for the Independent Person(s) and agree the rate payable until the Annual Meeting in May 2013.

5. LEGAL IMPLICATIONS

- 5.1 The Localism Act 2011 abolished the standards regime established under the Local Government Act 2000 and introduced new provisions in relation to standards.

- 5.2 The Council may co-opt other members to its committees under the Local Government Act 1972

- 5.3 The Council is responsible for making appointments to committees and bodies and approving amendments to the Constitution

6. FINANCIAL IMPLICATIONS

- 6.1 It is unlikely that the new standards arrangements will be any more costly to operate than the previous standards regime. The interim payment to the new role of Independent Persons is £1,053 p.a. and equates to the remuneration payable to the former Independent Chairman of the Standards Committee. A small saving may be made if a lower or no payment is made to the Independent Person.

7. RISK MANAGEMENT

- 7.1 The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

8. OTHER CONSIDERATIONS

Corporate priorities engaged:	Community Life
Statutory powers:	As set out in paragraph 5
Considerations of equality and human rights:	These will be considered in relation to the local arrangements to be made under the new standards regime
Biodiversity considerations:	Not applicable
Sustainability considerations:	Not applicable

Crime and disorder implications:	Not applicable
Background papers:	Council report 26 June 2012
Appendices attached:	Appendix A – Standards Committee remit Appendix B – Audit Committee remit Appendix C – Overview & Scrutiny remit Appendix D – Overview & Scrutiny Procedure Rules

STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
	Failure to appoint to the Standards Committee	If no appointments are made then the Council will not be able to deal with complaints referred by the Monitoring Officer or deal with investigations or hearings in to allegations of misconduct	4	2	8	↔	Recommendations for appointment have been made and terms of reference drafted for the Standards Committee	Monitoring Officer
	Failure to make consequential amendments to the Constitution	Incomplete or inadequate arrangements in place to deal with the council's functions	4	2	8	↔	Amendments have been made to the Constitution for Council approval	Monitoring Officer

Direction of travel symbols ↓ ↑ ↔