

## **MEMBERSHIP OF THE STANDARDS COMMITTEE**

### **COUNCIL – 16 October 2012**

Report of the: Monitoring Officer

Status: For Decision

Key Decision: No

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**Executive Summary:** This report seeks appointments to be made for the Sevenoaks District Council Standards Committee.

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**This report supports the Key Aim of effective management of Council resources**

**Head of Service** Head of Legal and Democratic Services and Monitoring Officer –  
Mrs Christine Nuttall

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**Recommendation:** That the following Councillors be appointed to the Standards Committee:

Cllr Ball, Mrs Bracken, Mrs Dibsdall, Dickins, Firth, Gaywood and Mrs Purves.

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**Reason for recommendation:** To enable the Council to put in place effective arrangements for dealing with Member complaints following the implementation of the relevant provisions of the Localism Act 2011.

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### **Introduction**

- 1 At its meeting on 24 July 2012, Full Council considered a report on the new arrangements relating to Member's conduct required as a result of the provisions of the Localism Act 2011. The Council resolved to establish a Standards Committee with Terms of Reference and Delegations as set out at Appendix 1. It was also resolved that seven members would be appointed in accordance with the political balance rules to serve on the Standards Committee.
- 2 The new Standards Committee will discharge all functions associated with the new standards regime which have not been delegated to the MO or ascribed by statute.
- 3 In order to consider reports into any allegations which are investigated it is envisaged that the Standards Committee will need to establish a hearing panel from amongst its membership.
- 4 Whilst there is no longer any statutory provision for co-opted Parish/Town Council representatives or for co-opted Independent Members the Terms of Reference for the Sevenoaks District Council Standards Committee allow for up to two co-opted

Members of a parish or town council. Any Co-opted Parish or Town Council representatives would not have voting rights.

## **Key Implications**

### Financial

There are no financial implications to this report.

### Community Impact and Outcomes

As the legislation sets out clearly that an authority must promote and maintain high standards of conduct by Members and Co-opted Members of the Authority, the Community should not be aware of any impact or outcomes as it is anticipated that a seamless transfer to the new system will take place.

### Legal, Human Rights etc.

The proposals contained within this report comply with the provisions of the Localism Act 2011.

### Equality Impacts

It is suggested that there are no specific equality implications arising from these proposals. These proposals do not have any particular implications regarding one "protected group" over another.

### **Background Papers:**

The Localism Act 2011 – The New Standards Regime (Monitoring Officer's Report to Council – 24 July 2012)

### **Contact Officer(s):**

Philippa Gibbs, Democratic Services Manager (Ext. 7247)

**Christine Nuttall**

**Monitoring Officer**

## **PART 3 –STANDARDS COMMITTEE**

### **1. Establishment**

1.1 The Council will establish a Standards Committee.

### **2. Composition**

2.1 Standards Committees have to comply with the political balance rules under the Local Government Act 1972.

### **3. Membership**

3.1 The Standards Committee will be composed of:

- Seven Members other than the Leader of the Council and no more than one Member selected from a particular Parish Boundary.
- Only one Member out of the above seven Members to be an Executive Member without being a Chair of the Committee as Standards is a Council function as opposed to an Executive function (s.27(8), Part 1, Chapter 7 of the Localism Act 2011.
- Up to two co-opted Members of a parish or town council (a parish/town council member)

### **4. Voting**

4.1 All Sevenoaks District Council members of the Committee will be entitled to vote at meetings of the Committee.

4.2 Any Co-opted Parish or Town Council representatives would not have voting rights.

### **5. Quorum**

5.1 The quorum of the Standards Committee will be three voting members.

### **6. Number of meetings**

6.1 At least one meeting will be held each year.

### **7. Role and Function (Terms of Reference)**

7.1 To discharge the functions as set out in Part 1, Chapter 7 of the Localism Act 2011 including:

- (a) To promote and maintain high standards of conduct by Members and Co-opted Members of the District Council and to make recommendations to Council on improving standards.

- (b). To advise and assist Parish/Town Councils and Parish/Town Councillors to maintain high standards of conduct and to make recommendations to Parish/Town Councils on improving standards.
- (c) To advise the District Council on the adoption of or revisions to its Code of Conduct.
- (d) To advise, train or arrange to train Members, Co-opted Members of the District Council on matters relating to the Code of Conduct.
- (e) To assist the Members and Co-opted Members of the District Council to observe their respective Codes of Conduct.
- (f) To monitor and assess the operation and effectiveness of the District Council Code of Conduct and to review and manage the Arrangements for dealing with Code of Conduct Complaints.
- (g) To advise on local ethical governance protocols and procedures.
- (h) To maintain oversight of the District Council's arrangements for dealing with Code of Conduct complaints.
- (i) To act as an advisory body in respect of any ethical governance matter.
- (j) To monitor and review the procedures for the Register of Members' Interests including reviewing interests other than Disclosable Pecuniary Interests (DPI's) called Non Pecuniary Interests (NPI's).
- (k) To receive reports from the Monitoring Officer on the number and nature of complaints received and action taken as a result in consultation with the Independent Person.
- (l) To receive the Monitoring Officer's annual report which includes a summary of the District Council's ethical governance arrangements.
- (m) To appoint a Sub-Committee being a Standards Assessment Working Party to consider complaints of an extremely serious nature or other similar exceptional circumstance that may exist as set out within the procedures entitled "Arrangements for dealing with Code of Conduct Complaints under the Localism Act 2011".
- (n) To appoint a Sub-Committee being a Standards Hearing Sub Committee following an investigation and finding that a breach of the Code of Conduct has occurred and no informal resolution can be found in accordance with "Arrangements for Dealing with Code of Conduct Complaints under the Localism Act 2011".
- (o) Delegated authority to grant dispensations pursuant to S33(2) of the Localism Act 2011 only if, after having had regard to all relevant circumstances, it is considered that:

- without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business (s.33(2)(b) of Part 1, Chapter 7 of the Localism Act 2011.
- granting the dispensation is in the interests of persons living in the authority's area (s.33(2)(c) of Part 1, Chapter 7 of the Localism Act 2011.
- It is otherwise appropriate to grant a dispensation (s.33(2)(e) of Part 1, Chapter 7 of the Localism Act 2011.

## **8. Standards Assessment Working Party (Terms of Reference)**

- 8.1 It is recognised that complaints may be received which are of an extremely serious nature or other similar exceptional circumstances exist as set out within the procedures entitled "Arrangements for Dealing with Code of Conduct Complaints under the Localism Act 2011". In such a situation the Monitoring Officer can set up a Working Party comprising three members of the Standards Committee.
- 8.2 The Working Party will examine thoroughly the contents of the complaint and after consultation with the Independent Person make recommendations to the Monitoring Officer on whether an investigation should take place.
- 8.3 The Working Party will produce a written summary of its consideration of the complaint to include the main points considered, its conclusion on the complaint and the reasons for that conclusion.

## **9. Standards Hearings Sub Committee (Terms of Reference)**

- 9.1 A Sub Committee comprising three voting Members of the Standards Committee having a quorum of three established to conduct Hearings into allegations referred to it by the Monitoring Officer that a Member or Co-opted Member (the Subject Member) has failed to comply with the relevant Code of Conduct appertaining to that Subject Member.
- 9.2 To hold a hearing and make a determination in relation to a complaint referred to it by the Monitoring Officer alleging a breach of the Code of Conduct appertaining to the Subject Member.
- 9.3 Where the Sub Committee determines that a Subject Member has failed to comply with the Subject Member's Code of Conduct to determine what action to take in respect thereof including the power to make recommendations to the Subject Member's Council and power to instruct the Monitoring Officer to publicise its decision on the District Council's web site and/or newspaper circulating in the locality.
- 9.4 To give notice in writing of any of its determinations including the reasons for such determination.

## **10. Standards Sub Committee for Granting Dispensations**

- 10.1 The Sub Committee can be summoned by the Monitoring Officer to grant dispensations in accordance with its delegated powers referred to above at paragraph 7.1 (n).
- 10.2 The Sub Committee will comprise three voting Members of the Standards Committee having a quorum of three.
- 10.4 A written record of the Sub-Committee decision will be made and given to the Monitoring Officer. The written record will specify the reasons for the Sub-Committee's decision and if a dispensation is granted the written record will evidence the name of the Member or Co-opted Member receiving the dispensation and the period for which it has effect.

## **11. Codes and Protocols**

- 11.1 High standards lie at the root of the Council's activities and the work of the Standards Committee is supported by policies and protocols including:

Members' Code of Conduct

Arrangements for Dealing with Code of Conduct Complaints under the Localism Act 2011

Procedure for Making a Recommendation for the Appointment of an Independent Person

Protocol on Gifts and Hospitality

Members' Register of Interest Form

Powers to Grant Dispensations

Guidance of Disclosure of Confidential Information by Members