

TITLE OF REPORT: MEMBERSHIP OF THE COMMITTEE (VACANCIES)

REPORT OF THE DEPUTY MONITORING OFFICER

1. SUMMARY

This report considers the mechanisms for appointing additional members to the Standards Committee to fulfil its duties under the Standards Committee (England) Regulations 2008.

2. FORWARD PLAN

This report does not contain a key decision and therefore is not noted in the Forward Plan.

3. BACKGROUND

- 3.1 From 8 May 2008 all complaints about member conduct must be made to the Standards Committee of the Authority, who have to establish three sub-committees to decide whether a complaint should be investigated, to give a right of appeal against a decision not to investigate and to hear any finding of breach of the Code of Conduct.
- 3.2 The introduction of this new system will require the Standards Committee to be increased in size to comprise up to four Independent Co-opted Members, eight elected members of the Council (including one Executive Member) and up to four Parish and Town Council representatives.
- 3.3 A total of sixteen members will ensure that there are sufficient numbers of independent and parish members available for each of the Assessment and Review Sub-Committees without a conflict of interest arising, although the authority could operate with three each of independent and parish members if the appointments process was unable to secure the necessary number of members.
- 3.4 Regulation 5 of the 2008 Regulations sets out the means of appointing independent members of the Standards Committee. The vacancy must be advertised in a local newspaper, on the Council's website and may be advertised in other publications as the Council considers appropriate.
- 3.5 Persons interested in the post must submit a written application although there is no prescribed form of application. The Appointments Board are designated by the Council's Constitution to interview the candidates and make a recommendation for appointment to Council.

- 3.6 Certain persons are prohibited from becoming independent members of the Standards Committee. If within the previous 5 years a person has been a member or officer or is a relative or close friend of a member or officer or the Council, they cannot be considered for the position.
- 3.7 The rules relating to appointment of parish members are less prescriptive. It is for the Council to adopt “such procedures as it thinks fit” when appointing parish members. Historically, parish members have been appointed by a direct approach to the parishes requesting willing members to come forward. The authority requests nominations from one parish or town council in the north of the district and one in the south.

4. ISSUES

- 4.1 The Regulations came into force on the 8 May and although no complaints have yet been received under the new regime, the authority must put the new scheme into place as soon as possible to meet its statutory requirements.
- 4.2 The authority does at present have the minimum number of independent and parish members to deal with an assessment, review or hearing of a complaint however should either one of the two independent or parish members not be available for any reason, the authority may fail to meet its statutory requirements.

5. LEGAL IMPLICATIONS

- 5.1 The Standards Board now have a regulatory function in monitoring how local authorities undertake the complaints process. Under the Act the Standards Board can suspend the Standards Committee’s functions where there has been a failure to deal with complaints appropriately. This provision is not yet in force.

6. FINANCIAL AND RISK IMPLICATIONS

- 6.1 The cost of advertising and employing new members of the Standards Committee can be met within existing budgets.
- 6.2 After 12 months experience, the Council will ask the Independent Remuneration Panel to assess the work of the Standards Committee members over the previous 12 months to decide if an allowance is appropriate. If an allowance is considered appropriate it will be backdated to the date of appointment.

7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

- 7.1 The Deputy Monitoring Officer can deal with the arrangements for the appointments process on behalf of the Standards Committee.

8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 8.1 The Hertfordshire Association of Local Councils may be asked for assistance if the direct approach to Parish Councillors is unsuccessful.

9. RECOMMENDATIONS

- 9.1 That the Deputy Monitoring Officer be instructed to publish a notice in the local newspaper and on the Council's web-site inviting participants to come forward for interview as an independent member of the Standards Committee
- 9.2 That the Deputy Monitoring Officer arrange for a meeting of the Appointments Board to consider any applications for the post of independent member of the Standards Committee.
- 9.3 That the Deputy Monitoring Officer approach each of the Parish Councils within the District and ask for one additional nomination for each of the north and south areas of the district.

10. REASONS FOR RECOMMENDATIONS

- 10.1 To comply with statutory requirements

11. ALTERNATIVE OPTIONS CONSIDERED

- 11.1 None available

12. APPENDICES

- 12.1 None

13. CONTACT OFFICERS

- 13.1 Kim Sawyer, Deputy Monitoring Officer. Telephone: 01462 474561. E-mail address: kim.sawyer@north-herts.gov.uk

14. BACKGROUND PAPERS

- 14.1 None

THIS PAGE IS BLANK