

Agenda Item

REPORT OF Senior Solicitor & Monitoring Officer

To: Standards Committee

Subject: Standards Committee Substitutions

Date: 21 December 2016

Reference: JH

PURPOSE OF REPORT:

To consider whether the current arrangements relating to substitutions on to the Standards Committee should be altered.

1. INTRODUCTION

The Council's Substitution Scheme is contained within the Rules of Procedure in the Constitution. The Scheme is subject to review by full Council each year at the Annual General Meeting, and would cease to apply at all if not explicitly adopted by full Council.

The current Substitution Scheme prevents substitutions in relation to the Standards Committee, potentially giving rise to issues of the meeting being quorate if some Members are unable to attend. The Committee has asked for a report to enable the issue of substitutions to be considered and an appropriate recommendation made to full Council if necessary.

2. REPORT

The allocation of committee seats and the appointment of Members to those seats occurs annually at the Annual General Meeting of full Council. For most committees, there is a requirement that the appointment of members is undertaken in a way that ensures membership is politically proportionate. The Standards Committee has been excluded from that requirement, and this is reflected in the Committee's Terms of Reference. Full Council therefore can appoint who it wishes to the Standards Committee, in consultation with the group leaders of the political parties.

Against that background, there are some further considerations in relation to substitutions to the Committee.

Prior to the Localism Act 2011, Standards Committees were obliged to comply with a complex statutory framework, and technical, detailed procedures when dealing with allegations of Member misconduct. Under the current regime, the framework and procedures have been largely done away with, leaving Councils to devise their own local arrangements for dealing with complaints. Given the relative simplification of the processes involved, it could be argued that it is now less crucial that only experienced permanent members of the Committee were able to deal with such matters as the system has become more user-friendly.

However, the Standards Committee is still responsible for promoting and maintaining high standards of conduct at a strategic level, so it is necessary that its members have knowledge of the associated legal and policy framework. Additionally, while the process has been simplified, it is still likely to be beneficial for complaints to be dealt with by Members with previous experience of such matters. Similarly, while it may not be compulsory, to ensure

fairness in the determination of a complaint about an individual member, the Committee hearing that complaint should not be comprised of only one political party.

These issues may be overcome by restricting the types of substitutions possible. For example, the Committee may conclude that any member substituting should have undergone suitable training in relation to standards and the Code of Conduct. It could also be required that any substitute is from the same political party as the member being replaced unless the leader of that party agrees otherwise.

Should this Committee wish to amend the Substitution Scheme, this would need to be done by way of a recommendation to full Council as it involves a change to the Constitution. It is suggested that this could be done at the next Annual General Meeting when the Scheme is next due to be considered and adopted, unless Members would prefer a report to be taken to full Council earlier.

3. IMPLICATIONS

Legal Implications

Any amendments to the Council's Constitution need to be approved by full Council.

Financial Implications

There are none identified

Human Resources Implications

There are none identified.

Sustainability Implications

There are none identified

Equality/Diversity

There are none identified.

Risk Management

There are none identified

Compliance with Policies and Strategies

There are none identified

Ward Member and Leader Member Views

Not applicable.

4. CONCLUSIONS

The Committee is asked to consider the issue of substitutions to the Standards Committee and make an appropriate recommendation to full Council as necessary.

5. RECOMMENDATIONS

That the Committee resolves to either –

- a) Retain the existing arrangements in relation to substitutions on to Standards Committee; or
- b) Recommend specific changes to the Substitution Scheme as it relates to the Standards Committee, to full Council.

SUPPORTING INFORMATION

Consultations: Not applicable.

Contact Officer: Jamie Hollis

Background Papers: Articles, Part 2 of the Constitution.
Rules of Procedure, Part 4, Chp 1 of the Constitution