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**STANDARDS COMMITTEE CHANGES**

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**Responsible Cabinet Member(s) - Councillor John Williams, Leader**

**Responsible Director(s) - Paul Wildsmith, Director of Corporate Services**

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**Purpose of Report**

1. To seek changes to the make up of the Standards Committee, the Standards Committee Appointments Panel, and to appoint a new parish Member to the Standards Committee.

**Background**

2. The current Membership of the Standards Committee is two Independent Members, two Elected Members and one Parish Council Representative. The Committee on Standards in Public Life recommended that 50% of Members of a Standards Committee should be independent. It also recommended that the Chairman of the Committee and the Chairman of any determination panel should be independent. The Government Paper Standards of Conduct in English Local Government the Future, supported the proposals. It also indicated that the requirement to have an independent Chairman would become mandatory whilst the majority of Independent Members would be recommended only. The Standards Committee considered the option of increasing the Independent Membership to three and agreed to recommend that increase to Council. The Committee felt that this was not only because of the national recommendation but also because the committee or panel is not quorate in the absence of an Independent Member and the risk of neither of the existing Members being available for determination would increase when the Standards Committee was responsible for initial receipt of complaints and legislative changes proposed in the new White Paper: Strong and Prosperous Communities.
3. Due to the requirement that the absence of a parish representative will make the committee inquorate if parish matters are being considered it was also decided to recommend that the number of parish representatives on the committee be increased from one to two. The current number of members on the Committee is five. The two additional members will bring the total number to seven.
4. In order to avoid delay in presenting two reports to Council the decision was made to seek to select the candidates subject to the decision by Council to increase the Membership. Mrs Valerie Whitby was nominated by a meeting of the Darlington Association of Parish Councils Meeting on 19th September, 2006. She was the only nomination put forward and was duly proposed, seconded and is nominated by the Meeting to Council. She is currently a Member of Heighington Parish Council. It has not been possible to identify a candidate for the Independent Member for this meeting and therefore if the Membership is increased, it will be necessary to advertise in accordance with the regulations governing the appointment of independent Members. It is therefore recommended to Council that:-

- (a) The number of Independent Members on the Council's Standards Committee be increased to three.
  - (b) The number of parish Members be increased to two.
  - (c) The candidate selected by the parishes Mrs. V Whitby be appointed as the additional parish representative.
  - (d) The Borough Solicitor be authorised to advertise and make arrangements to appoint a third independent Member of Standards Committee.
5. The other two independent Members of Standards Committee are due to come to the end of their term of office in September 2007. In order to avoid additional advertising costs, it is recommended that these two posts are also advertised for appointment at the same time.
6. The Standards Committee Appointments Panel is currently comprised of the Leader, the Deputy Leader and the Leader of the Opposition. At the time of the first appointment of an Independent Member, the committee had not been established and therefore the appointments panel was drawn from other Members of the Council. Now that the Committee is established and in order to make a link between the appointment panel and the work of the committee, the Standards Committee recommend to Council that the Chairman (or in the absence of the Chairman one other Member) of Standards Committee be appointed to the Panel to make a panel of four Members.

### **Legal Implications**

7. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

### **Section 17 of the Crime and Disorder Act 1998**

8. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

### **Council Policy Framework**

9. The issues contained within this report are required to be considered by Council.

### **Recommendation**

10. Council are requested to :-
- (a) Increase the number of Independent Members on the Council's Standards Committee to three.

- (b) Increase the number of Parish Members to two.
- (c) The candidate selected by the parishes Ms V Whitby be appointed as the additional parish representative.
- (d) Authorise the Borough Solicitor to advertise and make arrangements to appoint all three independent Members of the Standards Committee.
- (e) Increase the Standards Committee Appointments Panel to four Members with the Chairman of the Standards Committee as the fourth Member.
- (f) Authorise the Borough Solicitor to make any amendments to the Constitution necessary to give effect to the changes outlined above.

## **Reasons**

11. The recommendations are supported by the following reasons :-

- (a) In order to ensure that the Committee will be of sufficient Membership to ensure that it remains quorate when new responsibilities for the handling of complaints against Members come into force.
- (b) To avoid additional costs in advertising in the appointment of the other two Independent Members of the Committee.
- (c) To ensure that the Standards Committee has an input into the appointment of Members of its committee.
- (d) To ensure the Constitution is updated to reflect the changes set out in the report.

**Catherine H. Whitehead**  
**Borough Solicitor and Monitoring Officer**

## **Background Papers**

No Background papers were used in the preparation of this report.

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