
STANDARDS COMMITTEE INDEPENDENT MEMBERS
EXTENSION OF TERM OF OFFICE/APPOINTMENT OF COMMITTEE MEMBER

Responsible Cabinet Member – Councillor John Williams
Leader and Economy Services Portfolio

Responsible Director - Paul Wildsmith, Director of Corporate Services

SUMMARY REPORT

Purpose of the Report

1. The purpose of this report is to seek Council approval to extend the term of office of the current Independent Members of the Standards Committee for a further two years and to approve the appointment of a Parish Councillor to the membership of the Standards Committee.

Summary

2. In May 2010 the Government announced its intention to abolish Standards for England (the Standards Board) and scrap the Members Code of Conduct. The requirement to have Standards Committees will also cease. The former standards regime will be replaced by a publically accessible register of member's interests and legislation making serious misconduct by members a criminal offence.
3. Standards Committees are required to have a committee that is comprised of at least 25% Independent Members. The term of office of the current Independent Members runs out in May 2011.
4. There is a statutory process that needs to be followed to appoint Independent Members.
5. New Guidance from Standards for England now says that authorities can extend the term of office of existing Independent Members without following an external appointment process, if this is done before their term of office expires.
6. Given the impending changes to the role of Standards Committees it is proposed to seek to extend the terms of office of the existing Independent Members for a further 2 years. This will enable the Standards Committee to continue to function during this time of transition.
7. There is also currently a vacancy for a parish representative on the Standards Committee. Darlington Association of Parish Councils and Parish Meetings has nominated Parish Councillor Michael French, who is a member of Heighington Parish Council, to fill the vacancy. There is no cost in the appointment process for Parish Councillors and the current work for the Committee is greater for parish councillors than it is for Borough Councillors.

8. It is therefore appropriate to make this appointment despite the potential abolition of the responsibilities of the Committee in relation to Parish Councils.

Recommendation

9. That the Council extends the term of office of the current Independent Members of the Standards Committee for a further 2 years so that their term of office will expire in May 2013 rather than May 2011 and appoints Parish Councillor Michael French to the Standards Committee.

Reason

10. This will ensure the Standards Committee continues to be able to discharge its role.

Catherine Whitehead
Borough Solicitor and Monitoring Officer

Background Papers

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

Luke Swinhoe : Extension 2055

S17 Crime and Disorder	There are no issues in relation to Crime and Disorder.
Health and Well Being	There are no issues in relation to Health and Wellbeing.
Carbon Impact	There are no issues in relation to Carbon Emissions
Diversity	There are no issues relating to Diversity which this report needs to address
Wards Affected	This report affects all wards equally.
Groups Affected	There is no impact on any particular group.
Budget and Policy Framework	This report does not affect the Budget or Policy Framework.
Key Decision	This is not an executive decision
Urgent Decision	This is not an executive decision
One Darlington: Perfectly Placed	This report will help the Standards Committee to carry out its role in promoting high standards of conduct in Council decision making. This supports the Community Strategy and local involvement in decision making (NI 4)
Efficiency	This report does not have any direct impact on efficiency.

MAIN REPORT

Information and Analysis

11. Members will be aware that the Standards Committee has a membership of 3 Independent Members, 5 Borough Council Members and 3 Parish Council Members. The terms of office of the Independent Members will come to an end in May 2011.

Independent Member Appointments

12. Matters relating to the way that Standards Committees are constituted is governed by The Standards Committee (England) Regulations 2008. There is a requirement for Independent Members to comprise at least 25% of the Membership of a Standards Committee. In addition there are requirements about the way that Independent Members are to be appointed. Paragraph 5 of the regulations says that Independent Members can only be appointed after the position has been externally advertised and following the approval of the majority of the Members of the Council.
13. All of the current Members of the Standards Committee were appointed by this process. Once an Independent Member has been appointed to the Standards Committee then they serve for the term which is normally 4 years. There is no statutory limit to the number of terms that an Independent Member can serve. The Regulations do not deal with extensions to the term of office of Independent Members.
14. The Council's usual approach is to externally advertise the vacancy and accept applications from existing members who are willing to continue to serve on the committee.
15. In January 2010 Standards for England (the Standards Board) issued Guidance entitled 'Independent Members'. In this Guidance Standards for England recommend that an Independent Member ought not to serve more than 2 terms of four years (although they did acknowledge that this was a matter for the discretion of each authority). They also indicated that current serving Independent Members should be reappointed only after the full externally advertised appointment process has been undertaken.
16. In the Queen's speech this May, it was announced that the Government intended to abolish Standards for England. It has subsequently become clear that it is also proposed that the Members Code of Conduct will be repealed and that the legislative requirement to have Standards Committees will cease. In its place will be a publically accessible register of member's interests and legislation to make serious misconduct by elected members a criminal offence, for failing to register or declare an interest, or deliberately seeking to mislead the public about an interest.
17. As a result of these legislative proposals, Standards for England have recently issued revised Guidance on the Reappointment of Independent Members. What is now being said by Standards for England is that so long as the original appointment process was properly undertaken then the authority can extend the term for a further period. The term can only be extended by a decision of Council during the current period of office and this will therefore need to be done before May 2011.
18. Given that it is the Government's intention to introduce legislation in this session of Parliament to abolish the requirement to have Standards Committees, it would make little sense to embark on a new recruitment process for Independent Members until this Council

has made a decision as to whether it will retain the Standards Committee. In addition it would be preferable at a time of change to seek to retain experienced Members, where they are willing to continue to serve on the Committee.

19. This matter was considered by the Standards Committee, when it met on the 11 October 2010. The current Independent members of the Standards Committee are, Mike Airey, Mike Hill and Francis Hayes. All of the Independent Members indicated that they would be willing to continue to serve on the Standards Committee. The Standards Committee decided to recommend to Council that the term of office of current Independent Members of the Standards Committee should be extended for a further 2 years. This will mean that the term of office will expire in May 2013 rather than May 2011.
20. There is currently has one standards investigation outstanding, and the Council will continue to need to deal with complaints against members in accordance with current statutory requirements. Whatever decision is made about the future of the Standards Committee over the coming months the statutory requirements will need to be maintained. In the event that the Council decides to retain the Committee, this approach enables us to continue to operate with minimum cost, a decision about the membership and recruitment of independent members will be voluntary and not governed by the regulations if the decision is made to remove the statutory requirement to have a Standards Committee.

Parish Council Member Appointments

21. Guidance from the Standards Board for England entitled 'Local Assessment of Complaints' was published on the 2 May 2008 recommended that in dealing with the local assessment and review of complaints relating to parish councils Standards Committees ought have a minimum of three parish council representatives. This is in order to ensure that there is a separate parish council representative available, without a conflict of interest, for the assessment and review sub committees.
22. The Standards Committee currently has one vacancy following the resignation of Councillor Valerie Whitby of Heighington Parish Council. The vacancy needs to be filled to bring the number of Parish Council representatives up to three. There is no cost in the appointment process for Parish Councillors as the nomination is made from the Parish Councillor association. There is an allowance for parish councillor representatives on the committee but there will be no additional cost as a result of this appointment. The current work for the Committee is greater for parish councillors than it is for Borough Councillors and there is a currently a complaint under investigation for a parish council which may go to hearing. It is important that the Committee is able to ensure that a parish councillor is able to sit on any committee hearing a complaint about a parish councillor. To cover conflicts or sickness amongst the other parish councillors it is necessary to have at least three parish members. It is therefore appropriate to make this appointment despite the potential abolition of the responsibilities of the Committee in relation to Parish Councils.
23. The Darlington Association of Parish Councils and Parish Meetings has nominated Councillor Michael French of Heighington Parish Council to fill the vacancy. Membership on the Standards Committee of Parish representative Michael French will expire in May 2013 together with the two serving Parish Council representatives.