



**Rochford District
Council**

REPORT TITLE:	Establishment of the Standards Sub-Committee
REPORT OF:	Monitoring Officer

REPORT SUMMARY

The main purpose of the Audit and Governance Committee as set out in its terms of reference at Part 3 of the Council's Constitution includes –

To ensure that Members maintain high standards of probity in their public life by forming a sub-committee to consider standards complaints referred by the Monitoring Officer.

This report provides for the establishment of the Standards Sub-Committee to fulfil this purpose.

The role of the Standards Sub-Committee and its composition (3 Members of the Audit and Governance Committee and must be cross-party) is set out in the committee's terms of reference and are detailed later in this report.

The role of the sub-committee includes to –

Act as the interview panel for the recruitment of Independent Persons before recommending appointments to Full Council.

The council has recently advertised for Independent Persons as part of its Standards Arrangements and so an immediate task of the Standards Sub-Committee will be to conduct those interviews.

RECOMMENDATIONS

- R1 -** That the Audit and Governance Committee appoints 3 of its Members to serve on the Standards Sub-Committee in accordance with the committee's terms of reference and appoints a Chair and Vice-Chair of the sub-committee
- R2 -** That the Committee notes the current position and next steps in connection with the appointment of Independent Persons as part of the Council's standards arrangements as set out in the report and endorses the proposal that 2 Independent Persons be appointed.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATIONS

- 1.1 The recommendations provide for the establishment of the Standards Sub-Committee as set out in the committee's terms of reference and enable the sub-committee to undertake interviews for the recruitment of Independent Persons before recommending appointments to Full Council.
- 1.2 It is being recommended that 2 Independent Persons are appointed as this will provide increased resilience and capacity and is necessary to ensure that there are sufficient Independent Persons to provide assurance if/as necessary to the different parties (complainant and Member against whom a complaint is made) in any standards complaint that is progressed.

2.0 BACKGROUND INFORMATION

- 2.1 The main purpose of the Audit and Governance Committee as set out in its terms of reference at Part 3 of the Constitution includes –

To ensure that Members maintain high standards of probity in their public life by forming a sub-committee to consider standards complaints referred by the Monitoring Officer.

And the committee's main functions accordingly include the following –

To promote, maintain and assist the achievement of high standards of conduct by Councillors and co-opted members in accordance with the Council's Code of Conduct for Members. Including:

- a. To monitor the operation of the Code of Conduct for Members and receive regular standards complaints monitoring reports from the Monitoring Officer.*
 - b. To advise the Council on any amendment or revision of the Code.*
 - c. To secure adequate and appropriate training of Councillors and co-opted Members on the Code of Conduct for Members.*
 - d. To monitor and review the Member and employee registers of interests and registers of gifts and hospitality.*
- 2.2 The role and composition of the Standards Sub-Committee is detailed in the committees' terms of reference and is set out below –

Standards Sub-Committee

The Standards Sub-committee will be convened as and when required by the Monitoring Officer to consider standards complaints in line with the Council's Code of Conduct complaints procedure.

The Sub-committee will comprise of 3 Members of the Audit & Governance Committee and must be cross-party.

The primary functions of the Standards Sub-committee are:

- 1. To receive reports referred from the Monitoring Officer following investigations into complaints against District and Parish Councillors.*
- 2. To conduct standards hearings and all other steps associated with that function, including taking into account the advice of the Independent Person.*
- 3. If the panel determines that a breach of the Council's Code of Conduct has occurred, the panel can impose one or more of the following sanctions, if appropriate:*
 - a. Public Censure.*
 - b. Report to Council.*
 - c. Recommend actions to the Leader or Chairman of the Council.*
 - d. Recommend actions to Group Leader.*
 - e. Recommend removal from Outside Bodies.*
 - f. Requesting the Member to undertake actions deemed appropriate e.g. training, issue of an apology.*
- 4. The sub-committee will also act as an interview panel for the recruitment of Independent Persons before recommending appointments to the Full Council.*

- 2.3 As required by the Localism Act 2011, the Council has adopted "arrangements" which set out how a complaint that an elected or co-opted Member of this Council (or of a Parish/Town Council within its area) has failed to comply with the Councillors' Code of Conduct can be made and sets out how the Council will deal with allegations of a failure to comply with the Councillors' Code of Conduct. Such "arrangements" must provide for the Council to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision that the Code of Conduct has been breached, and whose views may be sought by the Council at any other stage in the process, or by a Member (or a Member or co-opted Member of a Parish/Town Council) against whom an allegation has been made.

- 2.4 The Council currently has one appointed Independent Person as part of its standards arrangements and due to the expiry of the term of office there was a need to undertake a process to readvertise and recruit to this role which the council has done and received a number of applications. There is therefore now a need to conduct interviews which as set out above is a role of the Standards Sub-Committee.
- 2.5 The Sub-Committee is to form 3 Members of the Audit & Governance Committee and must be cross-party. The Committee is asked to identify and agree which Members shall serve on the sub-committee and appoint a Chair and Vice-Chair.
- 2.5 It is intended that Full Council be asked to appoint 2 Independent Persons as this will provide increased resilience and capacity and is necessary to ensure that there are sufficient Independent Persons to provide assurance if/as necessary to the different parties (complainant and Member against whom a complaint is made) in any standards complaint that is progressed. The Audit and Governance Committee is asked to consider and endorse this proposal but note that it will ultimately be a matter for determination by Full Council.
- 2.6 Following interviews being undertaken, it is intended that the Standards Sub-Committee will report their recommendations directly to Full Council who are required to approve the appointments. In doing so, the Standards Sub-Committee will be asked to recommend the terms of office of the Independent Persons.

3.0 OTHER OPTIONS CONSIDERED

- 3.1 There are not considered to be any other specific options in connection with the matter. The report seeks to enact existing provisions in the Council's Constitution and enable the appointment of Independent Persons as required in relevant legislation.

4.0 RELEVANT RISKS

- 4.1 There are not considered to be any specific risks in connection with the report which require specific action to mitigate.

5.0 ENGAGEMENT/CONSULTATION

- 5.1 The Council has advertised the Independent Persons vacancies and received a reasonable number of applications for the role from members of the community.

6.0 FINANCIAL IMPLICATIONS

6.1 The Council's Scheme of Members Allowances provides that Independent Persons that form part of the standards arrangements shall receive an allowance of £582 per annum. The Council currently has 1 Independent Person; the proposal to increase this to 2 will therefore have a financial implication of £582 per annum which can be met from the existing budget for allowances.

7.0 LEGAL/GOVERNANCE IMPLICATIONS

7.1 Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place "arrangements" under which allegations that a Member or co-opted Member of the authority (or of a Parish/Town Council within the authority's area), or of a Committee or Sub-committee of the authority, has failed to comply with the Code of Conduct can be investigated and decisions made on such allegations. Such "arrangements" must provide for the Council to appoint at least one Independent Person. This report ensures compliance with this relevant legislation and does so through arrangements already set out in the Council's Constitution

8.0 EQUALITY & HEALTH IMPLICATIONS

8.1 There are no specific equality and health implications arising directly from this report.

9.0 ENVIRONMENT & CLIMATE IMPLICATIONS

9.1 There are no specific environment and climate implications arising directly from this report.

10.0 ECONOMIC IMPLICATIONS

10.1 There are no specific economic implications arising directly from this report.

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APPENDICES

None

BACKGROUND PAPERS

None