

## **Structural & Procedural Review Sub-Committee – 24 January 2001**

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Minutes of the meeting of the **Structural & Procedural Review Sub-Committee** held on **24 January 2001** when there were present:

Cllr C R Morgan (Chairman)

Cllr R Adams  
Cllr D R Helson  
Cllr Mrs J Helson  
Cllr P F A Webster

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs G A Mockford and Mrs M A Weir

### **SUBSTITUTES**

Cllr Mrs W M Stevenson

### **OFFICERS PRESENT**

P Warren – Chief Executive  
A Smith – Head of Administrative and Member Services  
J Bostock – Principal Committee Administrator

## **71 MINUTES**

The Minutes of the Meeting held on 5 December 2000 were approved as a correct record and signed by the Chairman.

## **72 DRAFT GUIDANCE ON STANDARDS COMMITTEES**

The Sub-Committee considered the report of the Chief Executive detailing the contents of the Government Consultation Paper on Standards Committees and suggested observations thereon.

Responding to Member questions, Officers advised that:-

- The Government would be providing further detail on Codes of Conduct for Members and Officers.
- In addition to Local Authority Standards Committees, the Government was establishing Standards Boards. Further guidance was due on the specific roles/relationships between Boards and Local Authorities.
- It would not be possible for Members of other Local Authorities to serve as an independent member on a Standards Committee.

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- The work of a Standards Committee could include consideration of many of the aspects currently falling within Audit Committee, overview of whistle-blowing policy, new constitutions and Codes of Conduct.

In endorsing the views of Officers on specific aspects of the consultation paper, Members made the following additional observations:-

### **Parish Members**

Should substitutes not be allowed, a Parish representative may find difficulty attending all meetings. Holiday commitments may have an impact and it would clearly be inappropriate if the availability of one individual could influence effective despatch of business. It would be for the District Council to agree the number of Parish representatives serving on the Committee but the regulations provided for a minimum of one. If there was to be just one parish representative, difficulties could arise if the parish of which that representative was a member was under investigation.

### **Independent Members**

Some recognition should be given to the need for safeguards capable of protecting the Council's interests when an independent resigns from their role. Some difficulty could be associated with identifying a suitable definition of independence/appointing a suitable candidate. In particular, the guidance made no specific mention of whether former councillors could put themselves forward to serve as an independent member. It could be anticipated that most interested persons were likely to have some community involvement and that the requirement for 75% of Full Council support is a high threshold.

The Chief Executive indicated that, subject to the content of final guidelines, it may be necessary for the Authority to appoint a Standards Committee midway through 2001. Officers had now received further guidance on model constitutions and reports would be submitted to Members as appropriate. It was anticipated that model codes of conduct would be available by the late Spring. Further guidance on Member allowances was awaited.

### **RECOMMENDED**

That, subject to the above observations, the Officers' views set out in the Appendix to these Minutes form the basis of this Council's response to the Government's Consultation Paper on Standards Committees. (CE)

**73      PROGRESS ON PUBLIC CONSULTATION CONCERNING NEW  
POLITICAL STRUCTURES**

The Chief Executive provided an update on the Public Consultation activity relating to new political structures.

A recent focus group meeting had been held to help finalise the copy of the special edition of Rochford District Matters and also the copy for the sample questionnaire survey. Officers were now working to ensure all consultation documentation was as user friendly as possible in line with the comments received.

It was envisaged that the special edition of Rochford District Matters would be printed and circulated by late February/early March. The sample questionnaire survey would also take place during the same period. In addition, the mobile exhibition unit would be used to try and ensure this issue secured as much coverage as possible.

The Meeting closed at 8.24pm.

Chairman

Date

**APPENDIX**

**1. SIZE OF COMMITTEES**

- 1.1 It is interesting to note the Government's contrasting approach on this matter relative to the guidance given in respect of the proposals on the 4<sup>th</sup> option – alternative arrangements – for new political structures. There the Government has specified a maximum of 15 Members for a committee and 10 Members for a sub-committee.
- 1.2 If the Government truly believes that the size of committees should be a matter for local decision, then it should also apply this rationale to the guidance on the 4<sup>th</sup> option – alternative arrangements – new political structures.
- 1.3 For Members' information, the size of the proposed standards committee in the preferred model for a new committee structure considered by this Council comprises 5 Members. However, if the final regulations reflect the content of this consultation paper, then this number will need to be reconsidered.

**2. COMPOSITION OF COMMITTEES**

- 2.1 The prescriptive nature of the guidance on this is in contrast to the flexibility demonstrated in respect of the overall size of the standards committee. There is also a contrast within the composition arrangements themselves between the way in which the various representative elements are treated.
- 2.2 There seems to be little justification behind the Government specifying a minimum number of independent members and suggesting a minimum level of 25%. Similarly, fixing the number of executive members to one and one only and proposing a single parish representative. In practical terms, such a proportional split would mean that the minimum size for a standards committee, if a Council wished to include at least one non-executive members, would be 4.
- 2.3 The importance of public perception in the functioning of standards committees is recognised but if the Government considers that local authorities can properly determine the overall number of members for such a committee, then it could also demonstrate more faith in local authorities by affording them more local discretion in determining the overall composition of these committees.
- 2.4 Whilst the responsibility placed on District Councils in respect of the standards of conduct of parish councils is recognised, the

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role/relationship between District Councils and their parish councils is a longstanding one and to be so prescriptive about the need and level of parish representation, together with no Councillor, who is both a District and parish Councillor, being able to represent the parish view, would appear to add a layer of unnecessary detail. It also applies a rationale in separating out District and parish interests which has not been apparent in other legislation and initiatives to date.

### **3. APPOINTMENT OF INDEPENDENT MEMBERS**

- 3.1 Again, the level of prescription raises concerns as does the resources that may be required to advertise, interview and appoint. It is interesting that the consultation suggests agreement by at least 75%, of the Council to an appointment. Why not a simple majority as with normal Council business?
- 3.2 The consultation is silent in terms of fall back positions. What happens if there are insufficient candidates, none are recommended for appointment after interview or fail to get a 75% support amongst councillors? What can authorities do in such instances? Also, the consultation is silent on the issue of remuneration for independent members/parish council representatives, although it is understood that such attendees would be eligible for payment

### **4. AGENDAS, PUBLIC ACCESS, ETC.**

- 4.1 These aspects of the consultation paper are generally supported. However, if meetings are convened at short notice it may be difficult to ensure that the notice is actually up at the parish office in time. It would be better if the guidance stated that it was 3 clear days at the District Council offices and at parish offices as soon as practicable thereafter.

### **5. VALIDITY OF PROCEEDINGS**

- 5.1 In general terms, these points are supported although in relation to attendance and the numbers and types of representatives present, the consultation guidance is considered to be too prescriptive and should be considered in the context of the comments made above on composition. It is felt that the normal committee procedure relating to a quorum should apply.
- 5.2 Also, the guidance is silent on the issue of substitutes and it is felt that this matter should be covered in the finalised regulations.