



**AGENDA ITEM: 5**

**COUNCIL: 21 May 2008**

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**Report of: Council Secretary and Solicitor**

**Contact for further information: Mrs G L Rowe (Ext 5004) and Mrs J Denning (Extn. 5384)**

**SUBJECT: STANDARDS COMMITTEE - MEMBERSHIP AND APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN**

District wide interest

**1.0 PURPOSE OF THE REPORT**

1.1 To consider the membership of the Standards Committee and the appointment of the Chairman and Vice Chairman for 2008/9.

**2.0 RECOMMENDATIONS**

2.1 That the number of Parish Council representatives be increased by one and the Standards Committee therefore comprise of 12 members, namely 5 independent members, 3 Parish representatives, 2 Conservative and 2 Labour members.

2.2 That John Cailles be appointed to serve for a further four year term as an independent member on the Standards Committee until the date of the Annual Meeting of the Council in May 2012.

2.3 That Parish Councillors David Kitson, Michael Hammond and Andrew Cheetham be appointed to serve for a four year term as the Parish Council representatives on the Standards Committee until the date of the Annual Meeting of the Council in May 2012, in accordance with Standards Board advice and the Parish Councils be advised accordingly.

2.4 That the appointment of all other members of the Standards Committee be as indicated on the Appendix circulated earlier in the meeting.

- 2.5 That the Council Secretary and Solicitor be given authority, in consultation with the Chairman of the Standards Committee, to put in place proper procedures, as referred to in paragraph 5.5 of this Report, to appoint independent members from another authority on a temporary basis should the need ever arise.
- 2.6 That the Council Secretary and Solicitor, in consultation with the Chairman of the Standards Committee, be given authority in an emergency, to appoint a Parish representative on a temporary basis, in the first instance by going to other nominees on the list, and to advise the Parish Councils of this.
- 2.7 That John Cailles and Paul Hanmer be appointed as Chairman and Vice-Chairman respectively for the period ending with the next Annual Meeting of the Council.
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### **3.0 BACKGROUND**

3.1 Under the Local Government Act 2000, Standards Committees had the following 'statutory functions':

- To promote and maintain high standards of conduct for members; and
- To help members to follow the code of conduct.
- To give the council advice on adopting a local code of conduct;
- To monitor the effective the effectiveness of the code;
- To train members on the code, or arrange for such training;

Since the 2000 Act new legislation and Regulations have meant an increase in these functions to include:

- To conduct determinations' hearings
- To grant dispensations to members with prejudicial interests

and more recently by the Local Government and Public Involvement in Health Act 2007 and the 2008 Regulations and Guidance:

- To grant exemptions for politically restricted posts
- To assess and review complaints about members

3.2 Standards Committees can also have other functions. The Standards Board for England believe that Standards Committees should be proactive by introducing change rather than reacting to events and that ultimately, Standards Committees should aim to create and maintain ethical organisations.

3.3 Creating and maintaining an ethical organisation is not just about adopting a code of conduct for Members. It is also about relationships both internally between Members and Officers, and externally with members of the public. It

is about how the Council relates to the community and improves the service it provides. It involves the input and dedication of both Members and Officers.

- 3.4 The Standards Board for England's Guidance following the publication of the Standards Committee (England) Regulations 2008, advises that there should be at least three people on the Standards Committee and they recommend at least six. It must include at least one independent member and two members of the authority (no more than one Cabinet member who cannot be the Leader). If the committee comprises of more than three people then at least 25% must be 'independent members'. The Chairman must be an independent member, in which case it is advisable to also appoint an independent member as the Vice-Chairman. At least two members must be parish council representatives and they must not also be members of West Lancashire District Council, but see also 6.1 below.
- 3.5 The Committee in 2007/08 comprised of 11 members namely 5 independent members, 2 parish representatives, 2 Conservative and 2 Labour Councillors. It is suggested that the Committee for 2008/9 comprise 12 Members, increasing the Committee by 1 Parish representative in accordance with the Standards Board Guidance referred to at 6.1 below.

#### **4.0 TERMS OF REFERENCE**

- 4.1 As referred to in paragraph 3 above changes have been made in the Local Government and Public Involvement in Health Act 2007, Regulations and Guidance, and a separate item on the agenda for this meeting deals with the adoption of new terms of reference.

#### **5.0 INDEPENDENT MEMBERS**

- 5.1 This Council decides how long an independent member should sit on the Committee. The Standards Board recommends that independent members should be appointed for a fixed period of four years (no longer than two terms), which would be long enough for them to gain an understanding of the committee, the council and its workings, but not so long that they could be perceived as losing their independence.
- 5.2 This Council has appointed 5 Independent members to its Standards Committee, using a statutory procedure usually for a 3 year term. Current terms of office and details of when members were first appointed are as follows:

<b>Independent Member</b>	<b>Appointed until the date of the annual meeting of the Council in:</b>	<b>First Appointed as an Independent Member</b>
Mr John Cailles (Chairman)	2008	1999
Mr Paul Hanmer (Vice-Chairman)	2009	2003

Prof. Roy Chester	2010	2004
Prof. Peter Hayman	2010	2007
Mr Robert Patterson	2011	2007 (Dec)

- 5.3 The Term of office for Independent Member, John Cailles, who is also the Chairman of the Committee is due to expire at today's Annual Meeting. John Cailles is an experienced member of the Committee and makes an excellent Chairman, fortunately he would be willing to continue as an Independent Member and Chairman of the Standards Committee.
- 5.4 The Council needs to be mindful of the advice from the Standards Board for England regarding the length of time Independent Members serve on the Standards Committee, which is as mentioned above in paragraph 5.1. John Cailles has served for 9 years having been first appointed as Vice-Chairman in 1999, however in view of the enhanced role of the committee in dealing with the local assessment of complaints, his experience would be invaluable. In the circumstances therefore I strongly recommend his re-appointment and I do not feel that a further term of office would compromise his independence.
- 5.5 It is to be noted that in instances where all the Council's independent members are unavailable the Council would be able to substitute with independent members from another Council. This provision does not apply to Parish Representatives. Proper procedures are to be put in place to appoint such independent members on a temporary basis .

## **6.0 PARISH REPRESENTATIVES**

- 6.1 The Standards Board for England recommend a minimum of three parish council representatives on the Standards Committee, though the legal minimum is two. This brings the recommended total number of people on the Standards Committee to nine members. This is to avoid situations where the Parish representative is conflicted out and fulfil the requirement for a Parish representative to be present when considering Parish matters. Consultation has previously been undertaken in respect of the need for a parish sub-committee the number of parish council representatives and the length of time they serve on the committee, which was currently two years. However, the Standards Board now recommend terms of four years and I would recommend we also move to this. The Council also conducts its own recruitment process for Parish representatives, which involves Parish Councils in a fair and open manner.
- 6.3 Terms of Office and details of when the current Parish representatives were first appointed are as follows:

<b>Parish Council Representative</b>	<b>Appointed until the date of the annual meeting of the Council in:</b>	<b>First Appointed</b>
Parish Councillor David Kitson	2008	2004
Parish Councillor Michael Hammond	2008	2006

- 6.4 The current two-year term of office for both Parish Councillor Representatives are due to expire at today's Annual Meeting.
- 6.5 All Parish Clerks have been contacted, inviting that Parish Council to submit the name of a member they would wish to see appointed to serve on the Standards Committee. In that invitation Parish Clerks were advised that the member nominated should not be a District Councillor and ideally should not be a close friend of any member or officer of the District Council. All nominees were required to prepare a brief personal profile.
- 6.6 Upon receipt of the nominees Parish Clerks were contacted once more requesting their Parish Council to vote for three candidates from the list of nominations. They were advised that the three candidates with the highest number of votes would be considered for appointment to serve on the Standards Committee for 2008/2009 and 2009/2010.
- 6.7 The list of nominees and votes received are as follows:

<b>NAME OF CANDIDATE</b>	<b>PARISH COUNCIL</b>	<b>NO. VOTES</b>
Parish Councillor:		
Brian Bailey	Burscough	3
Andrew Cheetham	Tarleton	4
Michael Hammond	Parbold	8
Chris Jones	Hesketh-with-Beaconsall	5
David Kitson	Aughton	8
Rajni (Raj) Somaiya	North Meols	3

- 6.8 The 3 nominees with the highest number of votes were David Kitson, Michael Hammond and Chris Jones. Unfortunately Chris Jones was not re-elected on 1 May 2008 and will not be able to be appointed; therefore the third nominee appointed should be Andrew Cheetham. I also think it prudent to have a procedure for appointing a Parish representative if the 3 appointed representatives are unavailable for any reason, including being conflicted out.

## **7.0 COUNCILLORS**

At least two members of the committee must be Councillors. Appointments to the Committee are reviewed annually in accordance with Council procedures. As the Council is currently operating a Leader with Cabinet model of executive arrangements, there can only be one executive member on the Standards

Committee, that member must not be the Leader. The Council has agreed that substitutes on the Standards Committee will not be permitted, in accordance with Standards Board recommendations. The names of the Councillor Members are included in the Appendix circulated earlier in the meeting.

## **8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

8.1 Promotion of high ethical standards at a local level assists in demonstrating that the Council is an ethical organisation.

## **9.0 FINANCIAL AND RESOURCE IMPLICATIONS**

9.1 Allowances are paid to the following members of the standards committee in recognition of their respective roles and are covered in existing budgets as follows:

<b>Role</b>	<b>Allowance per annum</b>
Chairman	£600
Vice Chairman	£400
Independent Member	£200
Parish Council Representative	£200

9.2 There will be an increase of £200 in the amount payable currently to accommodate the additional Parish Council representative.

## **10. RISK ASSESSMENT**

10.1 There are no significant management risks arising from this report.

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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

### **Appendices**

None