

## Standards Committee

11 March 2022



### Town and Parish co-opted members of the Standards Committee

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#### Report of Helen Lynch, Head of Legal and Democratic Services and Monitoring Officer

##### Electoral division(s) affected:

None

##### Purpose of the Report

- 1 To formalise the arrangements for the appointments of Town and Parish Council co-opted representatives to the Standards Committee.

##### Executive summary

- 2 In 2012, the membership and composition of the Standards Committee was agreed as 11 County Councillors and 2 non-voting co-opted Parish Councillors.
- 3 The Standards Committee agreed as part of its work programme to review the co-opted membership and consider proposals for formalising arrangements for future appointments.
- 4 On 2 December 2021 the Standards Committee agreed to hold a workshop with members of the Standards Committee and County Durham Association of Local Councils (CDALC) facilitated by the Monitoring Officer to consider arrangements for co-opted Members to the Standards Committee. The workshop took place on 15 February 2022 where the arrangements for the nomination and appointment were discussed.

##### Recommendation

- 5 The Standards Committee is recommended to agree a process to take effect upon a vacancy for co-opted Parish Councillor or following a local election as follows:
  - (a) Invite CDALC to seek expressions of interest from its entire membership to be a co-opted member of the Standards Committee for a term of office of four years.

- (b) Where there are greater number of expressions of interest than vacancies CDALC will ballot its membership on the nomination.
- (c) CDALC will formally notify the County Council in advance of its annual general meeting of the nomination for the Town and Parish Council representative providing details of the process undertaken.
- (d) The Town and Parish Council representatives will be nominated for appointment at the County Council's annual meeting or in the case of a mid-term vacancy at the next convenient meeting of the County Council.

6 The Standards Committee is also recommended:

- (a) To request that the Monitoring Officer works with CDALC to prepare information on the role of the Standards Committee and co-opted Parish Council Member to share with Town and Parish Council's prior to expressions of interest being requested.

## Background

- 8 As part of the work programme for the Standards Committee it was agreed that a review the arrangements for co-opted Town and Parish Council members to the Standards Committee and their term of office would be considered.
- 9 In 2012, the membership and composition of the Standards Committee was agreed as 11 County Councillors and 2 non-voting co-opted Parish Councillors.
- 10 There is a general power in section 102 of the Local Government Act 1972 to appoint a Committee including persons who are not Members of the Council, this is the power used to appoint the co-opted Members of the Committee.
- 11 Section 13 of the Local Government and Housing Act 1989 provides that co-opted Members shall for all purposes need to be treated as non-voting Members. Neither the Committee nor the Council has the power to override the statutory position and grant Co-opted Members a formal vote. The power of general competence in the Localism Act 2011 is subject to any pre-existing statutory restrictions.
- 12 Historically, CDALC have sought nominations for co-opted Members from its membership, which have been presented to the County Council to approve the appointment. However, the process has never been formally documented. It is considered appropriate to document the process to ensure openness and transparency and fairness, in particular where there are more expressions of interest than vacancies.
- 13 There are no legal requirements regarding the appointment (save for the eligibility criteria to hold office as a Councillor) or term of office. Practice nationally varies.
- 14 Research has been conducted of the arrangement for other authorities as well as requests through professional networks which indicated that the practice adopted varied nationally.
- 15 There are two co-opted Town and Parish Council representatives on the Standards Committee. Councillor Batson and Councillor Harrison have served on the Standards Committee since 2012 and 2015 respectively.
- 16 On 2 December 2021 the Standards Committee agreed to hold a workshop with members of the Standards Committee and County Durham Association of Local Councils (CDALC) facilitated by the Monitoring Officer. The workshop took place on 15 February 2022 where the arrangements for co-opted Members to the Standards Committee

were presented and views were sought for the formalising of future arrangements.

- 17 At the workshop with the members and CDALC, the general view was that the existing appointments work well as the Town and Parish Council representatives bring valuable experience and knowledge to the Committee.
- 18 The current co-opted members confirmed that they are happy to serve on the Committee and understood the importance of maintaining high ethical standards in local government. It was recognised by the co-opted members that it is important to gain greater interest in this topic and welcome this being opened up to others.
- 19 The Monitoring Officer confirmed that the rationale for this exercise was to formalise the arrangements and have this documented for the future arrangements.
- 20 Overall the views of the of the Committee were that the views of the co-opted members and their collective experience was valuable. It was agreed that the process works but needs to be formalised. It was also suggested that prior to nominations being sought the Monitoring Officer in conjunction with CDALC should share information in relation to the role and to promote the work of the Standards Committee to help encourage people to express an interest.
- 21 At the workshop a consensus was reached that the existing arrangements worked well and that they should be formally documented and agreed by the Standards Committee. Accordingly, in the event of a vacancy for co-opted Town and Parish representative arising or following a local election, CDALC will seek expressions of interest from its entire membership in advance of the County Council's annual meeting. CDALC's executive will agree the nomination where the number of expressions of interest do not exceed the number of vacancies. If the number of expressions of interest is greater than the number of vacancies, CDALC will arrange a ballot of the membership on the nominations. CDALC's executive will confirm the outcome of the ballot to the County Council by providing a report detailing the process undertaken including the key dates, numbers of expression of interest and the name of the nomination(s).

## **Background papers**

- None

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## **Appendix 1: Implications**

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### **Legal Implications**

The legislative framework applicable to the appointment of co-opted members of the Standards Committee is set out in the report.

### **Finance**

There are no financial implications arising out of the report.

### **Consultation**

None.

### **Equality and Diversity / Public Sector Equality Duty**

The formalising of existing arrangements will help ensure that there is equality of opportunity across all Town and Parish Councillors to express an interest in becoming a co-opted Member of the Standards Committee.

### **Climate Change**

There are no climate change implications arising out of the report.

### **Human Rights**

None

### **Crime and Disorder**

There are no crime and disorder implications arising out of the report.

### **Staffing**

There are no staffing implications.

### **Accommodation**

There are no accommodation implications.

### **Risk**

None.

### **Procurement**

There are no procurement implications.