

Standards Committee

5 December 2022

**Parish Council Co-opted Member of the
Standards Committee**



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

Electoral division(s) affected:

None

Purpose of the Report

- 1 To inform the Standards Committee of a vacancy arising for a Parish Council co-opted Member and to revise the arrangements for appointing such representatives.

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 At its meeting on 11 March 2022, the Committee formalised the arrangements for the appointment of Parish Co-opted Members to reflect the process, which the County Durham Association of Local Councils (CDALC) have followed since 2012.
- 4 In November 2022, the Monitoring Officer received the sad news that one of the co-opted Members, Councillor Terry Batson, died on 23 October 2022.
- 5 This report proposes a revision to the arrangements for appointing Parish Council co-opted Members prior to seeking expressions of interest from Parish Councillors to undertake the role.

Recommendation

6 The Standards Committee is recommended to:

- i) Acknowledge Town Councillor Terry Batson's service to the Committee and express its condolences.
- ii) Agree to amend the procedure for appointing co-opted Parish Councillors as set out at paragraph 11 to the report.
- iii) Request that the Head of Legal and Democratic Services invites County Durham Association of Local Councils ('CDALC') to seek expressions of interest for the vacancy for co-opted Parish Council member.

Background

- 7 There is a general power under section 102 of the Local Government Act 1972 to appoint a Committee including persons who are not members of the Council. The Council relied on this provision when determining the membership and composition of the Standards Committee as 11 County Councillors and 2 non-voting co-opted Parish Councillors.
- 8 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.
- 9 At its meeting on 12 March 2022, the Committee agreed to formalise the arrangements for the nomination and appointment of co-opted Parish Council members. The agreed arrangements reflect the process followed by CDALC historically but had never been formally documented. The arrangements were formalised to ensure openness, transparency and fairness.
- 10 Upon a vacancy arising or following a local election, the following process was agreed:
 - a) CDALC are invited 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 a greater number of expressions of interest than vacancies, CDALC will ballot its membership on the nomination
 - c) CDALC will formally notify the County Council of its nomination(s) as soon as practicable and in an election year, in advance of its annual meeting
 - d) The Parish Council representative(s) 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.
- 11 CDALC have since advised the Council that, where there are more expressions of interest than vacancies, it is the CDALC Executive Committee that has historically determined who is nominated rather than the whole membership. They have advised that it is not feasible to ballot the whole membership, particularly following an election when nominations must be confirmed in advance of the annual meeting of Council.

- 12 With over 100 parish councils and over 1100 parish councillors, it is disproportionate to initiate an election process which is incongruous with CDALC's other arrangements for choosing its representatives. A ballot is likely to take up to three months and at least two meetings of the Executive Committee to determine the number of expressions of interest and to decide who to vote for.
- 13 They have therefore requested that the arrangements are amended to reflect that it is the CDALC Executive that determine the nomination(s) in the event there are more expressions of interest than vacancies.
- 14 Councillor Terry Batson, Tow Law Town Council was a well-known and long serving co-opted member of the Committee. He was first appointed in September 2012 and recently re-appointed at the annual meeting of Council in May 2022. The Committee may wish to note his contribution to the work of the Committee during his tenure.
- 15 The Committee is now recommended to request that CDALC invite expressions of interest for the vacancy for co-opted Parish Council member and commence the process agreed in March 2022, subject to the amendment set out at paragraph 11.
- 16 Once the nomination is confirmed, a report will be presented to the next convenient meeting of Council to agree the appointment to the Committee.

Conclusion

- 17 This report informs the Standards Committee of the sad death of one of their co-opted members, Councillor Terry Batson. It also deals with the arrangements for appointing a Parish Council co-opted Member to the Standards Committee and recommends an amendment to the existing procedure, namely that, where more than one expression of interest is received, the Executive Committee of CDALC determine who is nominated rather than balloting the membership.

Background papers

None

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Appendix 1: Implications

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 formalisation of the arrangements for nominating Parish Council co-opted members ensures that there is equality of opportunity across all 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 arising out of this report.

Accommodation

There are no accommodation implications.

Risk

None

Procurement

There are no procurement implications.