

**CHAIRMANSHIP OF THE COMMITTEE**  
**(Report by the Director of Central Services and Monitoring Officer)**

**1. INTRODUCTION**

- 1.1 During the annual review of the Constitution undertaken by the Committee at its last meeting in March (Minute No.23 refers), Members discussed at length a suggestion that an Independent Member be appointed to act as Chairman to the Committee. In the event, the Committee recommended to Council on April 7th 2004 **“that on the understanding that an individual is willing to undertake the position, an Independent Member be invited to Chair the Standards Committee with effect from the commencement of the Municipal Year 2004/05”**.
- 1.2 Whilst indicating their support for such an appointment, Members did envisage some difficulties in practice if the Committee were to continue to operate in the same way as other Panels/Committees appointed by the Council. Therefore, Members requested Officers to report to their next meeting on various issues associated with the appointment of an Independent Member to Chair the Committee such as entitlement to allowances and reporting procedures.
- 1.3 The Council at its meeting on 7th April 2004 referred the recommendation in respect of the Committees Chairmanship (as set out in paragraph 1.1) back to the Standards Committee for further consideration.

**2. BACKGROUND**

- 2.1 The first meeting of the Standards Committee in Huntingdonshire took place in July 2000. Since its inception, the Committee has been chaired by a Member of the majority party group. Since May 2003 the Committee has included 3 Independent Members. It is the view of the Standards Board that Independent Members bring a fresh perspective to the work of Standards Committees and by extension, to the Authorities themselves. Appointing Independent Members to Standards Committees is a way of involving citizens with a commitment to public service in the promotion of high standards of conduct among elected representatives. Appointing an Independent Member as Chairman of the Committee would send a strong message to the public that the District Council values impartiality and fairness.
- 2.2 The CPA Peer Challenge Team in their report of November 2003 reflecting on the Council's Constitutional arrangements, commented – “that it was inappropriate that the Council's Standards Committee should be chaired by a Councillor rather than an Independent Member and, with the changes to the Independent Membership, the Council might usefully revisit this issue”.
- 2.3 The Committee may recall that it has already resolved that in the event of cases being referred for determination locally, an Independent Member shall Chair the hearings.

- 2.4 The role of Independent Members has developed since the inception of Standards Committees and networks have been set up nationwide to support Members in terms of shared experiences, common issues, and training etc. The Standards Board for England also has supported the Groups established. In addition to guidance offered by the Monitoring Officer, external training is also now available to help Independent Members keep abreast of new and emerging issues and broaden understanding of the role and responsibilities of Standards Committees. A survey of some twenty-four Authorities classified as “Excellent” or “Good” in CPA inspections to date has shown that the majority of Standards Committees are chaired by an Independent Member.

### **3. ARRANGEMENTS IN OTHER AUTHORITIES**

- 3.1 In response to the request for comparative information on arrangements made in other authorities, a questionnaire was sent by the Director of Central Services to twenty-three authorities which had attained either an “Excellent” or a “Good” rating in their own CPA inspection and whose Standards Committees are Chaired by an independent person. Twenty responses have been received and of these two have clarified that their Committees are chaired by elected Members but in the event of referral of an allegation of misconduct for determination locally, the Committee/or Sub Committee tasked with the investigation would be chaired by an Independent Member. In another case, the Committee is chaired by a politically Independent Member of the Council. A copy of the questionnaire is appended hereto.

- 3.2 In terms of the remainder of the responses (17) –

Question 2 – No Authority had experienced any difficulties in persuading an independent person to Chair their Standards Committee.

Questions 3 and 4 – There is no specific requirement in the Constitution of 13 Authorities for the Standards Committee to be chaired by an independent person. However in 10 of those cases the Constitution provided for the Committee to be chaired by someone else if an independent person declined to serve in that capacity.

Question 5 – The majority of replies indicated that the Standards Committee had been chaired by Independent Members for three or more years.

Question 6 – Of the 17 replies, in practice, in only 6 Authorities does the Independent Chairman of the Standards Committee present the Committees report/Minutes to full Council. The Constitution of one other Authority provides for this procedure although it does not operate in practice.

Question 7 – In terms of alternative arrangements for the presentation of Reports/Minutes to Council, in 4 Authorities they are presented by the Vice-Chairmen and in 4 cases by an elected Councillor/fellow Member of the Standards Committee. In 2 cases either the Vice-Chairman or an ordinary Elected Member is able to perform the presentation of the item. In addition, 2 authorities do not present

Reports/Minutes to Council and one has not had the occasion to refer any resolutions to Council for approval.

Question 8 – Arrangements are in place in 12 Authorities to provide for the payment of a special responsibility allowance to their Independent Chairman and in one Authority an enhanced co-optees allowance is made available.

Question 9 – Only two problems were highlighted by the Authorities canvassed. In one case an Independent Member lived some distance away from the Authority of which he is Chairman of the Standards Committee which had caused difficulty in attending meetings. The other problem related to attendance at Council meetings. The Authority in question had provided for the Independent Chairman to attend Council meetings in its Constitution but the individual had rarely attended.

#### **4. CONCLUSIONS**

- 4.1 Several conclusions can be drawn from the response received which may address the concerns expressed by Members when this issue was considered at the last meeting.
- 4.2 Currently the Chairman has the task of presenting the report of the meeting(s) of the Committee to the Council. Although the Committee meets quarterly and therefore reports to Council on four occasions during the Municipal Year, there is an expectation that the Chairman should attend all ordinary Council meetings (5) in the event that questions are asked of him/her. Should the Committee be minded to recommend the appointment of an Independent Member to act as Chairman, consideration would need to be given to whether the Constitution requires amendment to reflect that the Chairman of the Committee, irrespective of whether that person is an elected Member, should assume responsibility for the presentation of reports to Council meetings or whether the Vice-Chairman/other elected Member on the Committee should be accorded that responsibility in the absence of the Chairman.
- 4.3 In terms of the payment of a special responsibility allowance to an Independent Member and whilst it appears that several authorities pay such allowances, the Local Authorities (Members' Allowances) (England) Regulations 2003 only provide for payments to be made to "Members of an Authority". Technically, therefore it appears that the only method of payment which lawfully could be made to an Independent Member would be via a separate co-optee's allowance for each Municipal Year in respect of Chairmanship of the Committee and attendance at conferences and meetings. Currently the Independent Members on the Committee and the Town and Parish Council representatives are entitled to receive £200 per annum
- 4.4 A Members' Allowances Scheme is part of the District Council's Constitution. The scheme is approved by the Council following advice received from an Independent Remuneration Panel. Councils are required to convene their Members' Allowance Panel before proposing any changes to their Allowances Scheme and have regard to the Panels' recommendations before approving any new or amended scheme. In Agenda Item No 5 the Committee is asked to consider the establishment of a new Governance Panel and

consequential amendments to its own terms of reference. Given the possibility that the new Panel will be Chaired by an elected Member with an entitlement to a special responsibility allowance for which currently no provision is made, it is proposed that the question of a separate co-optee's allowance for an Independent Chairman of the Standards Committee and the special responsibility allowance for the Chairman of the new Governance Panel should be referred for consideration to the Independent Remuneration Panel.

- 4.5 In practice, there is no reason why arrangements for giving advice to the Chairman on a regular basis and prior to the Committee and Council meetings cannot be made as and when required.

## **5. RECOMMENDATION**

- 5.1 Having regard to the resolution of the Council following its meeting held on 7th April 2004, the Committee is requested to consider whether to reaffirm its previous resolution (Minute No 23 refers) and to recommend to full Council -

- (a) that on the understanding that an individual is willing to undertake the position, an Independent Member be invited to Chair the Standards Committee with effect from the commencement of the Municipal Year 2004/05;
- (b) that the Independent Remuneration Panel be requested to consider the payment of a separate co-optee's allowance to the Independent Chairman of the Standards Committee; and
- (c) that the District Council's Constitution be amended to reflect that the Chairman of the Committee, or in his absence the Vice-Chairman, irrespective of whether that person is an elected Member should present the report of the Committee to the Council.

## **BACKGROUND DOCUMENTS**

Minutes of the Standards Committee and Council held on 24th March and 7th April 2004 respectively.

Local Authorities (Members' Allowances) (England) Regulations 2003.  
Responses received to questionnaire received from twenty Local Authorities.

Contact: Christine Deller, Democratic Services Manager  
☎ 01480 388007