

NORTHAMPTON BOROUGH COUNCIL

STANDARDS COMMITTEE

Your attendance is requested at a meeting to be held at The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE. on Monday, 15 October 2012 at 5:00 pm.

D. Kennedy
Chief Executive

AGENDA

1. APOLOGIES
2. DEPUTATIONS / PUBLIC ADDRESSES
3. DECLARATIONS OF INTEREST
4. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED
5. CO-OPTION OF INDEPENDENT MEMBERS AND PARISH COUNCIL MEMBERS TO THE STANDARDS COMMITTEE
Report of Borough Secretary (copy herewith)
6. APPOINTMENT OF INDEPENDENT PERSON
Report of Borough Secretary (copy herewith)
7. TRAINING ON THE NEW STANDARDS ARRANGEMENTS
Borough Secretary to Report.
8. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:

“THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT.”

SUPPLEMENTARY AGENDA

**Exempted Under Schedule
12A of L.Govt Act 1972
Para No:-**

Appendices 0



NORTHAMPTON
BOROUGH COUNCIL

STANDARDS COMMITTEE REPORT

Report Title	Co-option of Independent Members and Parish Council Members to the Standards Committee
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	15 th October 2012
Policy Document:	No
Directorate:	Borough Secretary

1. Purpose

- 1.1 To recommend that the Standards Committee co-opts members in accordance with the Full Council resolution of 21st June 2012.

2. Recommendations

The Standards Committee is recommended to:

- 2.1 co-opt Trevor Morris and Zillah Turner on to the Standards Committee as non-voting Independent Members; and
- 2.2 agree to the appointment by co-option of two Parish Councillors to the Committee, and delegate the power to the Borough Secretary to make these appointments on its behalf.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The Localism Act 2011 (the "Act") made changes to the system of regulation of standards of conduct for elected Councillors and any co-opted Members. On 21st June 2012 the Full Council adopted new standards arrangements which came into force on 1st July 2012 in accordance with the requirements of the Act. The new standards arrangements adopted by Full Council were the arrangements recommended to it by the previous statutory Standards Committee on 18th June 2012.

3.1.2 Legally, there is no longer a requirement for a statutory Standards Committee. However, the Council remains under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted Members and there is still a need to deal with standards issues and case-work. Therefore the Council decided that the best way to discharge these functions would be through this new Standards Committee which is a normal Committee of Council governed by proportionality. The Full Council agreed a revision to Article 10 of the Constitution to set out the composition of the new Standards Committee.

3.1.3 Full Council agreed that Article 10 of the Constitution be amended to set out the composition of the new Standards Committee as follows:

“The Standards Committee will be composed of nine Councillors. In addition the Standards Committee shall appoint:

- *such Independent Members as the Committee considers appropriate. The Independent Members shall not have the right to vote;*
- *two Parish Council Members without the right to vote”.*

3.1.4 At this first meeting of the new Standards Committee, it therefore needs to make various appointments by co-option.

3.2 Issues

3.2.1 Co-option of Independent Members

3.2.1.1 In addition to adopting the revised Article 10 as set out in paragraph 3.1.3 above, Full Council also resolved, “That the new Standards Committee consider appointing at least three Independent Members”.

3.2.1.2 The Independent Members that are to be co-opted onto the Standards Committee are distinct from the “Independent Person” that the Act requires the Council to appoint to carry out specific functions in relation to dealing with conduct complaints made against Councillors. (The Independent Person will not sit as part of the Standards Committee). Although the new Independent Members will not be able to vote and will not have a role in dealing with complaints against Members, they will sit on the Standards Committee and provide a valuable independent perspective when contributing to the ongoing work of the Standards Committee in promoting and maintaining high standards of conduct amongst Members.

3.2.1.3 The previous statutory Standards Committee did include Independent Members who under the old statutory regime were involved in dealing with complaints made against Members. As the old statutory Standards Committee was disestablished from 1st July 2012, the Independent Members that were appointed to that Committee no longer sit as part of any Committee.

3.2.1.4 Two of the “old style” Independent Members are now agreeable to being co-opted onto this new Standards Committee as Independent Members who cannot vote.

3.2.1.5 It is therefore recommended that the Standards Committee co-opt Trevor Morris and Zillah Turner on to the Standards Committee as non-voting Independent Members. It is proposed that further Independent Members be identified and appointed by co-option at a later date as this new Standards Committee and the new standards arrangements become more established.

3.2.2 Co-option of Parish Members

3.2.2.1 Under the new standards arrangements, the Council continues to have responsibility for dealing with standards complaints against elected and appointed members of Parish Councils.

3.2.2.2 The Parish Council representatives who sat on the previous statutory Standards Committee ceased to hold office on the disestablishment of the old Standards Committee.

3.2.2.3 Full Council agreed that this new Standards Committee should include two co-opted non-voting Parish Members.

3.2.2.4 It is therefore recommended that the Standards Committee agrees to the appointment by co-option of two Parish Councillors to the Committee and delegates the power to the Borough Secretary to make these appointments on its behalf.

3.2.2.5 It is proposed that the Borough Secretary will in the first instance approach the two Parish Representatives who sat on the previous statutory Standards Committee.

4. Implications (including financial implications)

4.1 Policy

Not applicable.

4.2 Resources and Risk

None at present.

4.3 Legal

These are contained in the body of the Report.

4.4 Equality

None specifically.

4.5 Consultees (Internal and External)

None specifically

4.6 Other Implications

None

5. Background Papers

None

6. Report Author

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on behalf of
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Appendices 0



NORTHAMPTON
BOROUGH COUNCIL

STANDARDS COMMITTEE REPORT

Report Title	Appointment of an Independent Person
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	15 th October 2012
Policy Document:	No
Directorate:	Borough Secretary

1. Purpose

- 1.1 The purpose of this Report is to advise the Standards Committee of the process that has been undertaken by the Borough Secretary and Monitoring Officer to recruit an "Independent Person" in accordance with the requirements of the Localism Act 2011 (the "Act") and to propose that the Standards Committee recommend to Full Council the appointment of an Independent Person.

2. Recommendations

The Standards Committee is recommended to:

- 2.1 note that the Borough Secretary has followed the process stipulated in the Act to recruit an Independent Person;
- 2.2 recommend to Full Council that it approves the appointment of Ian Harley as an Independent Person; and
- 2.3 note that the Independent Person will be paid an allowance equal to that which was paid to the Independent Chair of the previous statutory Standards Committee.

3. Issues and Choices

3.1 Report Background

3.1.1 The Localism Act 2011 (the “Act”) made changes to the system of regulation of standards of conduct for elected Councillors and any co-opted Members. On 21st June 2012 the Full Council adopted new standards arrangements which came into force on 1st July 2012 in accordance with the requirements of the Act. The new standards arrangements adopted by Full Council were the arrangements recommended to it by the previous statutory Standards Committee on 18th June 2012.

3.1.2 The Localism Act requires the Council to appoint at least one Independent Person.

The functions of the Independent Person(s) are:

- they must be consulted by the authority and their views taken into account before the authority makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member. (This means that their views must be sought on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);
- they may be consulted by the authority in respect of a standards complaint at any other stage; and
- they may be consulted by a member or co-opted member of the District Council or of a Parish Council against whom a complaint has been made.

3.1.3 The Council's new *Arrangements for Dealing With Allegations of Breaches of the Northampton Borough Council Members' Code of Conduct and Codes of Conduct Adopted by Parish Councils* reflect the requirements of the Act and include the involvement of an Independent Person.

3.1.4 Broadly, the Independent Person must be someone who is not (or has not recently been) an Officer of the Council or a Member or co-opted member of the Council or of any Parish Council within the Borough. Certain classes of relatives and close friends of Members and Officers are also prevented by law from being an Independent Person.

3.1.4 The Act states that a person may only be appointed as an Independent Person if:

- the vacancy has been advertised in such a manner as the Council considers is likely to bring the vacancy to the attention of the public;
- the person has submitted an application to fill the vacancy to the authority; and
- the person's appointment has been approved by a majority of the members of the authority.

3.2 Issues

3.2.1 Appointment of an Independent Person

- 3.2.1.1 The Borough Secretary has conducted a recruitment process for the Independent Person role. The vacancy for an Independent Person has been publicly advertised in accordance with the requirements of the Act. The vacancy was advertised on 'Every Road Leads To Us', which is a shared online recruitment portal that is linked to the job vacancy webpages of each of the District Councils in the County.
- 3.2.1.2 An application was received from Ian Harley, the former Independent Chair of the previous statutory Standards Committee. Transitional provisions in the Act allow for previous independent members to be appointed as Independent Persons under the new arrangements.
- 3.2.1.3 The Borough Secretary considered that Ian Harley was a suitable candidate to carry out the statutory role of Independent Person. Ian Harley has therefore been appointed as Independent Person subject to formal ratification of this appointment by the Full Council in accordance with the requirements of the Act.
- 3.2.1.4 The Standards Committee is therefore asked to recommend to Full Council that it approves the appointment of Ian Harley as Independent Person.

3.2.2 Remuneration of the Independent Person

- 3.2.2.1 On 21st June 2012, the Full Council authorised the Borough Secretary and Monitoring Officer to determine the appropriate payment for Independent Persons. (As an Independent Person is not a member of the authority or of its Committees or Sub-Committees, the remuneration of them does not fall within the Scheme of Members' Allowances, and can therefore be determined without reference to the Independent Remuneration Panel).
- 3.2.2.2 The Borough Secretary has determined that initially the Independent Person should be paid an allowance equal to that which was paid to the Independent Chair of the previous statutory Standards Committee. The Standards Committee is asked to note that the Borough Secretary may ask the Independent Remuneration Panel to review the remuneration of the Independent Person, if this is considered necessary following a proper review of the function of the Independent Person as this new role develops over time.

4. Implications (including financial implications)

4.1 Policy

Not applicable.

4.2 Resources and Risk

The remuneration of the Independent Person will be based on the allowance that the Independent Chair of Standards received. This will only apply during the transitional phase following which a proper determination will be made for the permanent role following advice from the Remuneration Panel, or based on the practice followed by neighbouring Councils.

4.3 Legal

Legal implications are contained in the body of the Report.

4.4 Equality

None specifically.

4.5 Consultees (Internal and External)

4.6 Other Implications

None

5. Background Papers

None

6. Report Author

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on behalf of
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