REPORT of
MONITORING OFFICER

to
JOINT STANDARDS COMMITTEE (SPECIAL MEETING)
13 JANUARY 2017

REVIEW OF CONSTITUTION AFFECTING THE JOINT STANDARDS COMMITTEE

1. PURPOSE OF THE REPORT

1.1 To consider, with a view to recommending to the Council possible revisions to the constitutional arrangements affecting the Joint Standards Committee.

2. RECOMMENDATION

The Committee considers the scope for revising its constitutional arrangements as explored in paragraphs 3.6, 3.7 and 3.8 of this report and agrees to recommend to the Council on its conclusions.

3. SUMMARY OF KEY ISSUES

3.1 In the light of comments made by Councillor S Nunn at and following the last meeting of the Committee it is considered that there is scope for looking at certain aspects of the Council's constitutional arrangements so far as they affect the set-up of this Committee.

3.2 The Joint Standards Committee was set up as a committee of the Council to meet the obligations of the then new Localism Act 2010. It was for local authorities largely to determine their own arrangements subject to their making provision for the investigation of allegations and for the notification of decisions on such investigation.

3.3 The constitution of the Committee is set out at the head of its terms of reference and general remit, which is attached at **APPENDIX 1**. In particular –

7) The Chairman of the Committee shall be a Maldon District Councillor appointed at the Annual Meeting of the Council.

8) There will be one Vice-Chairman who shall be a Maldon District Councillor and shall be elected by the Committee.

3.4 The above provisions tie in with the Council's constitutional arrangements for the appointment of Committees and for special meetings of the appointed Committees to be held within the confines of the statutory annual meeting of the Council to elect Chairmen and Vice-Chairmen.

3.5 Examination of this process highlights an irregularity due to the fact that when the special meeting of the Committee is convened the two Local Council representatives who have been co-opted as full voting members of the Committee are not present. Even though the constitution provides for the Chairman and Vice-Chairman to be a District Council Member, there is no reason why the two Local Council representatives should not be party to that business.

3.6 The one obvious alternative course of action would be for the Joint Standards Committee to be excluded from the arrangements undertaken at the statutory annual meeting of the Council. The Committee would then be free to elect its Chairman and Vice-Chairman at its first meeting. In theory this would leave the Committee without a Chairman up to that point, but in practice the existing Chairman could remain in post, subject to remaining a member of the Council and the Committee and preside at that first meeting (other than in an election year). This could be written into any revised arrangements.

3.7 This also raises the question whether it is appropriate to restrict Chairmanship/Vice-Chairmanship of the Committee to members of the Council. The name Joint Standards Committee means that although it is a committee set up under the auspices of the District Council it covers standards issues and conduct complaints not only for the District Council but also for Parish and Town Councils. As full voting members of the committee there would seem to be no obvious reason why either of the Local Council representatives could not be elected Chairman or Vice-Chairman. The one difficulty this might present is where the Committee is reporting or recommending to the Council, another member of the Committee being a District Councillor (preferably as Vice-Chairman) would have to speak to the recommendation at the Council meeting if so required.

3.8 In a wider context, it is clear that there is little work for the Committee to do. This for the most part is due to how the Councillor Conduct Complaints Process works in practice. Following the previous abolition of the Standards Board for England and the coming into effect of the new regime under the Localism Act, it was always envisaged that the new arrangements would be very much 'lighter touch'. The Committee may have views on this when it looks in greater detail at how the process works. A number of Councils have moved in a direction that sees Audit feature as a key governance tool, and therefore a rise in prominence of Audit Committees as all-embracing governance committees which include 'Standards'.

4. IMPACT ON CORPORATE GOALS

4.1 The review and updating of the corporate governance arrangements of the Council underpins the decision making processes of the Council, is in part a matter of compliance with the law and is also linked to high level outcomes associated with the corporate goal of delivering good quality, cost effective and valued services in a transparent way.

5. IMPLICATIONS

(i) **Impact on Customers** – It is right and proper that the Council is able openly to explain, through well-presented and user-friendly constitutional documentation, the way in which it is set up and operates, and how it conducts its business. It is important that the Council's procedures are seen as open and transparent.

(ii) **Impact on Equalities** – None identified.

(iii) **Impact on Risk** – None identified.

(iv) **Impact on Resources (financial)** – None identified.

(v) **Impact on Resources (human)** – None identified.

(vi) **Impact on the Environment** – None identified.

Background Papers: None.

Enquiries to: Stuart Jennings, Committee Services Manager (Tel: 01621 875745).