

# **Standards Committee**

## **Co-Option of Town/Parish Council Members**

**10 October 2012**

### **Report of Head of Law and Governance / Monitoring Officer**

#### **PURPOSE OF REPORT**

To enable the Committee to consider whether it wishes to go through a process of co-opting Town/Parish Council members to the Committee.

This report is public.

#### **Recommendations**

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The Standards Committee is recommended to:

- (1) Consider whether it wishes to co-opt Town/Parish Council members to the Committee and, if so, how many.
- (2) If Town/Parish Council members are to be co-opted, determine a process for the receipt and consideration of applications.

#### **Executive Summary**

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- 1.1 Under the Localism Act 2011 it is no longer mandatory or possible to appoint Town/Parish Councillors to be full members of the Committee. However, the Committee does retain discretion to appoint co-opted members on a non-voting basis under the Local Government Act 1972. On 16<sup>th</sup> May 2012 full Council agreed that Town/Parish Council members could be co-opted to the Committee at the Committee's discretion.

#### **Background Information**

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- 2.1 Under the previous Standards regime it was legally necessary to appoint Town/Parish Councillors to be full members of the former Standards Committee with voting rights.
- 2.2 The new regime under the Localism Act 2011 removes this provision and it is no longer legally necessary or possible for Town/Parish Councillors to be full

members of the Committee. However, the Committee could decide in its discretion to co-opt Town/Parish Councillors onto the Committee on a non-voting basis. At the full Council on 16<sup>th</sup> May 2012 it was resolved that the question of whether or not to exercise this discretion should be left to the new Standards Committee.

- 2.3 The Committee is, therefore, requested to consider whether it wishes to co-opt non-voting members from the Town and Parish Councils in the Cherwell District. In the event that the Committee does wish to consider co-option of such members, it is further requested to consider how many members it wishes to co-opt, and the appointment process to be followed. It is suggested that an appropriate procedure would be the sending of letters by the Head of Law and Governance/Monitoring Officer to all of the Town and Parish Council Clerks in the District seeking expressions of interest from individual Councillors. These could then be considered by a panel of the Standards Committee and the Head of Law and Governance/Monitoring Officer. Names would then be put forward for consideration for co-option. This would largely mirror the process recently followed for the appointment of Independent Persons.

### **Key Issues for Consideration/Reasons for Decision and Options**

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- 3.1 Given the fact that the Committee will, from time to time, be considering alleged misconduct by Town and Parish Councillors it may be considered appropriate to co-opt a number of Town/Parish Councillors to be non-voting members of the Committee.
- 3.2 The options available to the Committee are:

**Option One** To agree to co-opt Town and Parish Councillors to be non-voting members of the Committee.

**Option Two** To retain the current Committee membership and not to co-opt any non-voting members.

### **Consultations**

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None

### **Implications**

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**Financial:** Should Town/Parish Councillors be co-opted onto the Committee they would be entitled to receive an allowance pursuant to the Members Allowances Scheme.

Comments checked by Karen Curtin, Head of Finance and Procurement,  
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**Legal:** The legal implications are dealt with in the report.

Comments checked by Kevin Lane, Head of Law and Governance,  
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**Risk Management:**

The presence of co-opted Town/Parish Councillors may mitigate the risk of the Committee taking erroneous decision in the context of a Town or Parish Councillor complaint.

Comments checked by Gavin Halligan-Davies, Interim Corporate Performance Manager, gavin.halligan-davies@cherwellandsouthnorthants.gov.uk

**Document Information**

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<b>Appendix No</b>	<b>Title</b>
None	
<b>Background Papers</b>	
None	
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