

Subject:	THE STANDARDS COMMITTEE
Meeting and Date:	Governance Committee – 6 April 2017 Council – 17 May 2017
Report of:	David Randall, Director of Governance
Classification:	Unrestricted
Purpose of the report:	To propose that the Council no longer appoints a separate Standards Committee
Recommendation:	<p>Governance Committee recommends to Council that:</p> <ol style="list-style-type: none"> 1. That, as from the 2017 Annual Meeting of the Council, the Council no longer appoints a separate Standards Committee. 2. That, with effect from the 2017 Annual Meeting of the Council, the functions of the Standards Committee are transferred to the Governance Committee and the revised functions as described at Appendix 1 are adopted and incorporated into the Council's Constitution. 3. That, with effect from the 2017 Annual Meeting of the Council, the membership of the Governance Committee is increased from 6 to 7 members. 4. That the Director of Governance is authorised to make consequential textual changes to the Council's Constitution to remove references to the Standards Committee and where appropriate replace with reference to the Governance Committee.

1. Summary

- 1.1 Under the provisions of the Localism Act 2011, from 1 July 2012, the Council adopted a new Kent Model Code of Conduct for members and put in place arrangements for investigating allegations of failure to comply with the Code and for making decisions in respect of those allegations.
- 1.2 The key features of the new arrangements were that the concept of a statutory standards committee no longer existed, the role of independent members and parish-appointed members no longer existed and most of the responsibilities in managing the new arrangements were vested with the Monitoring Officer.
- 1.3 Since 2012, the Standards Committee has continued as an ordinary local authority committee subject to all of the usual procedural rules, including a requirement for it to be politically balanced. However, apart from at the outset when there were occasional papers considered as the new Kent Model Code of Conduct for Members was bedded in, there has been an increasing dearth of business relating to the Code of Conduct and its associated arrangements.

- 1.4 Since 2012, the only business routinely transacted at the committee relates to the corporate service complaints report. In the 5 years since the introduction of the new arrangements, there were 18 scheduled meetings of the committee. It has met on only 12 occasions, cancelling 6 of the meetings, due to the lack of business. Of the meetings held, the average length of a Standards Committee meeting has reduced year on year from nearly an hour in 2012/13 to under 15 minutes in 2016/17.
- 1.5 This report proposes that the Standards Committee is not reappointed at the Annual Meeting of the Council in May 2017 and that its functions relating to corporate service complaints and member conduct are transferred to the Governance Committee. It is also proposed that the Governance Committee membership is increased by one to seven members. This will provide slightly more resilience if a member Hearing Panel needs to be constituted.

2. Background

Local Government Act 2000 and Localism Act 2011

- 2.1 The Local Government Act 2000 at para. 53 required that a relevant authority must establish a Standards Committee with the functions conferred on it. The definition of a relevant authority included a district council and as a result this Council established its Standards Committee. However, this requirement was modified by the Localism Act 2011 at para. 49. The 2011 Act changed the definition of a relevant authority, and as a result, a district council ceased to be a relevant authority from 1 July 2012. The implication of this change was that a district council ceased to be required to establish a Standards Committee.
- 2.2 However, from 1 July 2012, this Council retained the Standards Committee as an ordinary local authority committee subject to all of the usual procedural rules including a requirement for it to be politically balanced. This meant that we no longer had Independent Members of the Committee, including no longer having an Independent Chairman of the committee and the initial assessment of allegations of member breaches of the code of conduct were no longer considered by sub committees of the Standards Committee. As a result, the functions of the committee were considerably diminished by legislation and gradually over the years, there has been a decline in the residual business relating to the Code of Conduct and its associated arrangements.

3. Performance/Business Issues

- 3.1 Since 2012, most of the arrangements relating to the new Code of Conduct – the Kent Model Code - have been vested with the Monitoring Officer. The only business routinely transacted at the committee relates to the corporate service complaints report. The table below details the performance and business of the Standards Committee in the 5 years since the introduction of the new arrangements.

Council Year	Meeting Date	Meeting Time	Total	Average
12/13	29/10/12	1 hour	2 hrs 57mins	59 mins
	23/1/13	1 hr 16 mins		
	13/3/13	41mins		
13/14	25/9/13	38 mins	1 hr 32 mins	46 mins
	4/12/13	54mins		

Council Year	Meeting Date	Meeting Time	Total	Average
14/15	25/6/14	30 mins	1 hr 9 mins	23 mins
	17/12/14	34 mins		
	25/3/15	5 mins		
15/16	15/7/15	26 mins	43 mins	21.5 mins
	13/1/16	17 mins		
16/17	6/7/16	12 mins	29 mins	14.5 mins
	11/1/17	17 mins		
Total	12 meetings	6 hrs 50 mins	6 hrs 50 mins	34.17 mins

- 3.2 Of the 18 scheduled meetings of the committee, 6 were cancelled due to lack of business resulting in the committee meeting on 12 occasions.

4. **Governance Committee**

- 4.1 There is synergy in moving the residual functions of the Standards Committee to the Governance Committee. This Council receives a relatively few number of formal service complaints. A number of these complaints relate to dissatisfaction with a decision legitimately taken by officers of the Council, whilst some are just genuine mistakes, human error rather than a breakdown in any procedures or processes.
- 4.2 However, some complaints identify service failures or weaknesses. The Council in addition to addressing the wrong that the complainant has suffered wishes to learn from the failure or mistake. This requires a review of the procedures, to identify what can be done differently and how can the mistake be avoided in the future. It is consistent with the work of the Governance Committee, as one of its key functions is to ensure that the Council retains effective internal control arrangements and consider the Council's Annual Governance Assurance Statement. A failure or mistake resulting in a service complaint may be due to a control weakness in the procedures and the Governance Committee would seek assurances that the weakness has been addressed.
- 4.3 Therefore it would be sensible for the Council's Corporate Complaints Officer to report on service failures or weaknesses to the Governance Committee. In addition the committee would receive the Annual Report of the Local Government Ombudsman, reporting on any complaints referred by a complainant. Together, this strengthens and brings together the reporting of the Council's internal control environment under the Governance Committee.
- 4.4 Most of the initial stages associated with the arrangements for considering complaints under the Kent Code of Conduct for Members are vested in the Monitoring Officer. However, although infrequent, S33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct requires that certain dispensation requests must be considered by the relevant member committee and any changes to the Kent Code would be considered by the committee. In addition, if the Monitoring Officer decides that after he has investigated that a Member breach of the Code of Conduct requires consideration by a Hearing Panel, this must be formed from the relevant member committee. To provide context, there has only been one such case in the last five years. However, to provide a slightly larger pool to choose from and to provide resilience, it is suggested that the membership of the Governance Committee is increased from six to seven, which will be subject to the normal political balance rules.

5. **Options for Consideration**

- 5.1 Option 1. Not to reappoint the Standards Committee and transfer its functions to the Governance Committee, increase the Governance Committee's membership by one and amend the Governance Committee's functions and responsibilities.
- 5.2 Option 2. To retain the Standards Committee and retain its functions and responsibilities.

6. **Preferred Option**

- 6.1 For the reasons outlined in this report, option 1 is the recommended approach.

7. **Resource Implications**

- 7.1 Potentially there would be a small saving of the cost of the allowances paid to the Chairman and Vice Chairman of the Standards Committee. Currently these are not paid as the current incumbents receive an allowance for their role on another committee.

8. **Corporate Implications**

- 8.1 Comment from the Section 151 Officer:
- 8.2 Comment from the Solicitor to the Council:
- 8.3 Comment from the Equalities Officer:
- 8.4 Other Officers (as appropriate):

9. **Appendices**

Revised functions and responsibilities of the Governance Committee

10. **Background Papers**

Report of the Director of Governance to Council on 25 June 2012.

Contact Officer: David Randall, Director of Governance

Revised functions and responsibilities of the Governance Committee

Decision Making Body: Governance Committee

Membership: 7 Members of the Authority.

Functions:

1. To ensure effective internal audit and internal control arrangements.
2. To receive the Internal Audit Annual Programme of work.
3. To receive audit activity reports and the assurances contained therein relating to the level of internal control and risk management across the Council and monitor the implementation of audit recommendations agreed by management.
4. To consider external audit reports and make recommendations to the Council.
5. To ensure the effectiveness of the Council's risk management arrangements and seek assurances that effective action is being taken on risk and internal control related areas of weakness.
6. To receive the Annual Governance Assurance Statement and to monitor the implementation of the action plan.
7. To approve the Council's Statement of Accounts, as required by prevailing legislation, and the Financial Outturn Report.
8. Monitor and review the Constitution and make recommendations to the Council.
9. To discharge the functions of the Council relating to Standards contained in Part 1, Chapter 7 of the Localism Act 2011 (other than those which are reserved to Council by law).
10. To promote and maintain high standards of conduct by Members and Co-opted Members of the District Council and to make recommendations to Council on improving standards.
11. To manage the arrangements for Code of Conduct complaints, to monitor and assess the operation and effectiveness of the Code of Conduct and make recommendations to the District Council on the adoption of or revisions to its Code of Conduct.
12. To advise on local ethical governance protocols and procedures and act as an advisory body in respect of any ethical governance matter.
13. To appoint a Hearing Panel to deal with Code of Conduct complaints following investigation.
14. To grant dispensations pursuant to S33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct where:

- a. without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.
 - b. that the authority considers that the dispensation is in the interests of persons living in its area; or
 - c. where the Committee considers that it is otherwise appropriate to grant a dispensation.
- 15. To monitor complaints handling and Ombudsman investigations and to make payments or provide other benefits in cases of maladministration arising from non-executive functions.
- 16. To deal with any alleged breaches by councillors of local protocols adopted by the Council including the Protocol for Good Practice in Planning Procedure and the Protocol for Officers and Members for Dealing with Conflicts of Interest of Councillors in Professional Practice.