

**TITLE OF REPORT: SELECTION CRITERIA TO BE FOLLOWED TO APPOINT PARISH AND TOWN COUNCIL REPRESENTATIVES TO THE STANDARDS COMMITTEE**

REPORT OF THE ACTING MONITORING OFFICER

**1. SUMMARY**

- 1.1 To put before Council the draft procedure approved by the Council's Standards Committee for the appointment of Parish or Town Council members onto the Standards Committee.

**2. FORWARD PLAN**

- 2.1 This report does not contain matters referred to in the Forward Plan.

**3. BACKGROUND**

- 3.1 One town council member and one parish council member were appointed to the Standards Committee to comply with the requirements of the new local referrals process in 2008. This is because at least one parish member is required to sit on a Standards Committee Sub-Committee (whether an Assessment or Review or Hearing sub-committee), whenever parish matters are being considered.
- 3.2 The Standards Committee met on 16<sup>th</sup> September 2008. The Committee requested an amendment to the Constitution to permit the Standards Committee to adopt its own selection procedures, for future appointments of parish or town council members. At Council on the 25<sup>th</sup> September 2008, the matter was the subject of debate. The Council expressed a preference that the Hertfordshire Association of Local Councils should be asked to propose appointments to the Committee.
- 3.3 Instead of the Council agreeing the amendment to the Constitution requested by the Standards Committee, Council recommended that a selection protocol should be considered and drawn up by the Standards Committee for referral to, and approval by Council. Council resolved:

***RESOLVED:***

- (1) That the arrangements for future appointments of town and parish councillors to the Standards Committee, be referred back to the Standards Committee for further consideration;
- 3.4 At the Standards Committee meeting on 22 June 2009, members requested that the Acting Monitoring Officer return to the next meeting of the Committee with a summary and overview of the consideration by Council of this issue.

3.5 An amended Protocol was therefore taken to Standards Committee on 10<sup>th</sup> November 2009.

3.6 The Standards Committee considered that where achievable, the geographical split of Parish Councillors from the North and South of the District should be continued. The Committee resolved:

**RESOLVED:**

(1) That the report be noted;

(2) That the draft Selection Protocol, as attached at Appendix 1 to the report, and as amended, be supported.

3.7 The Acting Monitoring Officer confirmed to Standards Committee on 10 November 2009 that the Protocol would be put before full Council for consideration in line with the annual Constitution Review.

## **4. ISSUES**

### **4.1 Appointment of Town/Parish Council members to the Standards Committee**

4.1.1 There is currently a vacancy on the Standards Committee for a new parish member. However recruitment to this vacant post has not been urgent due to the precise way in which the Regulations governing the local complaints process permit members of a Sub-Committee to be taken from a pool of members. It is also permitted for members on an assessment or review sub-committee to sit on a hearing sub-committee.

4.1.2 Therefore there has been no immediate requirement to ensure the vacancy is filled although it would be preferable to now progress to deal with this matter.

4.1.3 The draft Selection Protocol proposed to be used when selecting suitable candidates for appointment to the Standards Committee, as approved by the Standards Committee, is now attached at Appendix 1. It includes such things as:

- the recruitment and selection process
- term of office
- facilities, induction, training and support

4.1.3 Members are specifically referred to the following paragraphs in the draft Selection Protocol:

4.1.3.1 Paragraph 1.2: the Monitoring Officer will arrange for Parish Council vacancies to be notified to the Hertfordshire Association of Local Councils and to Parish Councils in the District; and

4.1.3.2 Paragraph 1.6: the Standards Committee will report to the Council, recommending the appointment of a Parish/Town Councillor Member/s, approval for which will be required by a majority of members of the Council.

## **5. LEGAL IMPLICATIONS**

- 5.1 Under Article 4.02 (g) of the Council's Constitution, the Council is responsible for appointing members of all Committees, which includes town/parish council members appointed to the Standards Committee.

## **6. FINANCIAL AND RISK IMPLICATIONS**

- 6.1 None.

## **7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS**

- 7.1 The Council recognises the changing nature of equality legislation and incorporates national legislation and regulations into its scheme and services as appropriate, as set out in the Corporate Equality Strategy. The Race Relations (Amendment) Act 2000 marked a very significant innovation in the legal framework. It placed much of what was previously only advisory and voluntary on to a statutory footing. The Act extends the provisions of the Race Relations Act 1976 to cover all the activities of all public authorities. It makes important extensions to public authority duties. Equivalent statutory duties have been created for disability by the Disability Discrimination Act 2005 and for gender by the Equality Act 2006. These duties divide into a general duty and specific duties.
- 7.2 The draft Selection Protocol contains the relevant considerations on diversity and will reflect equalities good practice.

## **8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS**

- 8.1 None, although clerks of the parish councils will receive copies of this report.

## **9. RECOMMENDATIONS**

- 9.1 That Members consider and agree the draft Selection Protocol at Appendix 1.

## **10. REASONS FOR RECOMMENDATIONS**

- 10.1 To ensure good governance within the Council and an appropriate number of parish/town members of the Standards Committee to meet the requirements of the Standards Committee (England) Regulations 2008

## **11. ALTERNATIVE OPTIONS CONSIDERED**

- 11.1 None.

## **12. APPENDICES**

- 12.1 Appendix 1 – Draft Selection Protocol

## **13. CONTACT OFFICERS**

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