

**Council**

18 July 2013

**Agenda Item 24**

Brighton &amp; Hove City Council

<b>Subject:</b>	<b>Substitution on Audit &amp; Standards Committee and Composition of Standards Panels</b>		
<b>Date of Meeting:</b>	<b>18 July 2013</b> 25 June 2013 – Audit & Standards Committee		
<b>Report of:</b>	<b>Monitoring Officer</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Oliver Dixon</b>	<b>Tel: 291512</b>
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<b>Wards Affected</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Council Procedure Rules prohibit member substitutions on Audit & Standards Committee. On recent occasions this has resulted in less than full attendance at some meetings of the Committee and, accordingly, this report proposes that Full Council be recommended to amend the Rules so as to allow substitution.
- 1.2 This report also seeks approval for a change to the arrangements for convening a Standards Panel, so that Panel membership can include an Independent member.

**2. RECOMMENDATIONS:**

That Audit & Standards Committee –

- 2.1 Recommend to Full Council that Council Procedure Rules be amended as set out in paragraph 3.7;
- 2.2 Approve the amendment to the Council's arrangements for dealing with allegations of breaches of the Members' Code of Conduct, as set out in paragraph 3.10.

**3. RELEVANT BACKGROUND INFORMATION:****(a) Substitution on Audit & Standards Committee**

- 3.1 Prior to the formation of Audit & Standards Committee in 2012, Council Procedure Rules permitted substitution on Audit Committee but not Standards Committee.

At the time, the investigation and hearing of allegations of a breach of the Members' Code of Conduct were highly regulated, involving a complex statutory framework and technical, detailed procedures. As a result, it was considered that only substantive members of Standards Committee should be permitted to attend

its meetings because of the training and briefings which they (and they alone) had received on the subject.

- 3.2 When Standards Committee merged with Audit Committee the substitution rules that previously affected only Standards Committee were carried forward and made applicable to the now combined committee. However, the Localism Act abolished the previous standards regime and replaced it with a less regulated and simplified framework. As a result, the previous ban on substitutions to Standards Committee is no longer appropriate.
- 3.3 On several recent occasions not all members of Audit & Standards Committee have been able to attend meetings of the committee on the scheduled date. Were it not for the rule against substitution, it might have been possible for them to appoint a substitute.
- 3.4 In consequence of this rule, the Committee has on occasions functioned without its full complement of members. Given the importance of the Committee in relation to corporate governance, fulfilling its role with a full complement is considered essential.
- 3.5 It is therefore proposed that Committee recommend to Full Council that Council Procedure Rules be amended to allow a substitute Member of the council to attend Audit & Standards Committee in place of a substantive Member of that committee. This would then mirror the substitution arrangements for all other council committees.
- 3.6 However, for reasons of continuity, no substitutions to a Standards Panel should be allowed once established.
- 3.7 To give effect to the proposals in paragraphs 3.5-3.6, it is recommended that –
  - (i) the following words be inserted at the start of Council Procedure Rule 18.14:

“Subject to Rules 18.15 to 18.19 below,”; and
  - (ii) Rule 18.19 be amended to read:

“Substitution on Standards Panel

Once a Standards Panel has been appointed in accordance with the approved procedure for investigating allegations of a breach of the members’ Code of Conduct, no substitution to that Panel shall be allowed.”

**(b) Composition of Standards Panel**

- 3.8 In September 2012 Audit & Standards Committee adopted new arrangements for investigating and hearing allegations of breaches of the Members’ Code of Conduct. At the time, there were no Independent members, and the investigation and hearing procedure reflected this by providing that Standards

Panel membership consist of one elected Member from each of the political groups represented on the council, plus the Independent Person.

3.9 At Annual Council in May 2013, Councillor Summers, an Independent, was appointed to Audit & Standards Committee. (Note that her role as an Independent member differs from that of the Independent Person.)

3.10 To enable an Independent member to serve on a Standards Panel, it is recommended that the start of paragraph 9 of the Council's arrangements for dealing with allegations of breaches of the Members' Code of Conduct be amended to read:

"9. Who are the Standards Panel?

The Standards Panel is a Sub-Committee of the Council's Audit & Standards Committee, and only Members of that Committee may be appointed to a Standards Panel. Panel Membership will consist of three elected Members, and one Independent Person who will attend the hearing in his/her statutory advisory capacity."

#### **4. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

4.1 The proposals contained in this report will have no impact on capital or revenue budgets.

*Finance Officer Consulted: Name Michael Bentley Date: 12/06/13*

##### Legal Implications:

4.2 Changes to Council Procedure Rules require the approval of Council itself, whereas changes to procedures for dealing with member Code of Conduct investigations and hearings can be approved by Audit & Standards Committee.

*Lawyer Consulted: Oliver Dixon Date: 11/06/13*

##### Equalities Implications:

4.3 The amendment proposed in paragraph 3.10 would ensure that any member of Audit & Standards Committee, irrespective of any political affiliation or non-affiliation, could be appointed to a Standards Panel.

##### Sustainability Implications:

4.4 None

##### Crime & Disorder Implications:

4.5 None

Risk and Opportunity Management Implications:

4.6 None

Public Health Implications:

4.7 None

Corporate / Citywide Implications:

4.8 None

**SUPPORTING DOCUMENTATION**

**Appendices:**

None

**Background Documents**

1. Part 3.2 of the Constitution – Council Procedure Rules
2. Brighton & Hove City Council and Rottingdean Parish Council arrangements for dealing with allegations of breaches of the Members' Code of Conduct under the Localism Act 2011.