

## Bath & North East Somerset Council

MEETING	<b>Standards' Committee</b>	
MEETING	<b>17<sup>th</sup> September 2015</b>	
TITLE:	<b>Status of Co-opted Members of the Standards Committee</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b> None		

### **1 THE ISSUE**

- 1.1 The Committee is requested to consider the voting rights and entitlement of Independent Members who are co-opted to stand as Chair or Deputy Chair. Under Section 13 of the Local Government and Housing Act 1989 Co-opted Members of this Committee are treated as non-voting Members, however it would be permissible to adopt a system of informal voting as set out in this report. There is nothing to prevent a Co-opted Member being elected as Chair or Deputy Chair.

### **2 RECOMMENDATION**

- 2.1 **That the Standards' Committee note this report.**

### **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 There are no direct resource implications arising from this report.

### **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 Until 1 July 2012, section 53 of the Local Government Act 2000 required the Council to establish a Standards' Committee, with a membership including at least one person who was not a Member, or an officer, of that or any other relevant authority – in this report referred to as an "Independent Member". Section 53 specifically provided that the Standards' Committee must be chaired by an Independent Member and that Independent Members were entitled to vote at meetings of the Standards' Committee. There were provisions removed by the Localism Act 2011.

- 4.2 In establishing the new arrangement to be in force from 1 July 2012, under the provisions of the Localism Act 2011 the Council decided to retain a non-statutory Standards' Committee. This was done under the general power to discharge functions by Committee contained in section 101 of the Local Government Act 1972. The Council decided to include the former Independent Members within the revised membership of the Standards' Committee to preserve a greater degree of independence and objectivity. It was specifically stated in the Council report that any Co-opted Members would not have voting rights. However the Council considered that Co-opted Members could nevertheless carry out a valuable role in influencing the views of this Committee.
- 4.3 The general power in section 102 of the Local Government Act 1972 to appoint a Committee including persons who are not Members of the Council was used to appoint the Co-opted Members of this Committee. However, by virtue of section 13 of the Local Government and Housing Act 1989 Co-opted Members are treated as non-voting Members.

## **5 THE REPORT**

### **BACKGROUND**

- 5.1 The Standards' Committee consists of 5 Councillors; 3 Independent Members and 3 Parish Representatives – these last 2 categories are referred to in this report as “Co-opted Members”.
- 5.2 The Council has also appointed an Independent Person and Deputy Independent Person under the provisions of the Localism Act 2011, who have a statutory role under the standards regime. The Independent Persons are invited to attend meetings of this Committee, but are not Members of this Committee. They cannot vote on any business of the Committee and are not entitled to stand as Chair or Deputy Chair.
- 5.3 As under the Local Government and Housing Act 1989 Co-opted Members cannot vote, it is suggested that it would be permissible to adopt a system of informal voting or where a vote is required, the Chair would first put the matter to an informal vote by all Members of the Committee. This would allow the Co-opted Members to clearly demonstrate their views to all present and the result would be minuted. The matter would then need to be put a second vote of elected Members only and this vote would stand as the formal decision of the Committee. It would be open to an elected Member to vote differently in each vote should they so wish. In cases where the Committee is making recommendations to the Council then the outcome to the informal and formal votes will be clearly communicated to the Council in the report.
- 5.4 There is nothing to prevent a Co-opted Member being elected as Chair or Deputy Chair – although as discussed above they could not exercise a Chair's second or casting vote.
- 5.5 The Committee is therefore recommended to adopt a system of informal voting to allow the views of Co-opted Members to be taken into account.

## 6 RATIONALE

- 6.1 Co-opted Members can carry out a valuable role in influencing the views of the Committee, and can be elected as Chair or Deputy Chair. Under the current law it is not possible to grant them formal voting rights, but it would be permissible to adopt a system of informal voting if this Committee wishes to do so.

## 7 OTHER OPTIONS CONSIDERED

- 7.1 The legislation has been carefully considered and there appears to be no other option.

## 8 CONSULTATION

- 8.1 No formal consultation.

## 9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

<b>Contact person</b>	<i>Maria Lucas, Head of Legal &amp; Democratic Services, Monitoring Officer &amp; Council Solicitor (01225) 395171</i>
<b>Background papers</b>	<i>List here any background papers not included with this report, and where/how they are available for inspection.</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	