

AUDIT, GOVERNANCE AND STANDARDS COMMITTEE

30 July 2018

Audit, Governance and Standards Committee – Parish Council Representation

Final Decision-Maker	Council
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Debbie Snook, Democratic Services Officer
Classification	Public
Wards affected	All

Executive Summary

This report seeks to regularise the situation regarding Parish Council representation on the Audit, Governance and Standards Committee and to address discrepancies within the Constitution.

This report makes the following recommendations to this Committee:

1. That the Council be recommended to agree changes to the Constitution to:
 - Clarify that the Hearings Sub-Committee no longer exists and has been replaced by the Hearing Panel.
 - Specify that the Hearing Panel consists of three voting elected Councillors drawn from the Audit, Governance and Standards Committee plus one non-voting Parish Councillor drawn from the Audit, Governance and Standards Committee when a Parish Councillor is the subject of a complaint.
 - Specify that the Audit, Governance and Standards Committee comprises nine Councillors plus two non-voting Parish Councillors appointed by the Council for a three year term of office.
2. Delegate authority to the Head of Mid Kent Legal Partnership to incorporate appropriate changes to the Constitution to effect the required changes and/or to reflect legislative requirements prior to Council approval.

Timetable

Meeting	Date
Audit, Governance and Standards Committee	30 July 2018
Council	26 September 2018

Audit, Governance and Standards Committee – Parish Council Representation

1. INTRODUCTION AND BACKGROUND

1.1 The Audit, Governance and Standards Committee is constituted under Part 2.2.12 of Part 2 of the Constitution. The membership of the Committee is described as:

Nine Councillors plus two non-voting Parish Councillors for the Standards Hearings Sub-Committee, for Parish Council matters; and the Council's Independent Person (s) also to be invited.

1.2 The functions of the Audit, Governance and Standards Committee set out in Part 2.2.12 of Part 2 of the Constitution do not correspond with the arrangements for dealing with complaints of alleged breaches of the Councillors' Code of Conduct set out in Part 4.2 of the Constitution. The Hearings Sub-Committee referred to in Section 2.2.12 as comprising three Councillors (plus one non-voting Parish representative when a Parish Councillor is the subject of the complaint) has been replaced in Part 4.2 by a Hearing Panel consisting of three voting elected Councillors drawn from the Audit, Governance and Standards Committee. There is no reference to Parish Council representation in Part 4.2.

1.3 It is necessary, therefore, to clarify that the Hearings Sub-Committee no longer exists and has been replaced by the Hearing Panel, and to determine whether the Hearing Panel should or should not include one non-voting Parish Councillor when a Parish Councillor is the subject of the complaint.

1.4 The inclusion of Parish Councillors on the Audit, Governance and Standards Committee also needs to be regularised. As stated above, the Constitution provides for two non-voting Parish Councillors specifically for the Hearings Sub-Committee, for Parish Council matters. There is currently a vacancy. The appointed Parish Councillor has been attending Audit, Governance and Standards Committee meetings and participates, at the invitation of the Chairman, in the debate, but in a non-voting capacity. This is not in accordance with the Constitution.

1.5 Parish Council representatives are appointed by the Council upon the nomination of the Maidstone Area Committee of the Kent Association of Local Councils.

2. AVAILABLE OPTIONS

2.1 To do nothing, but this will not address the discrepancies within the Constitution or regularise the situation which has arisen regarding a Parish Council representative attending and participating in Audit, Governance and Standards Committee meetings.

- 2.2 To recommend to Council that changes be made to the Constitution to address the discrepancies within the Constitution and regularise the situation which has arisen regarding a Parish Council representative attending and participating in Audit, Governance and Standards Committee meetings.
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3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 It is proposed that the Council be recommended to agree that changes be made to the Constitution to:
- Clarify that the Hearings Sub-Committee no longer exists and has been replaced by the Hearing Panel.
 - Specify that the Hearing Panel consists of three voting elected Councillors drawn from the Audit, Governance and Standards Committee plus one non-voting Parish Councillor drawn from the Audit, Governance and Standards Committee when a Parish Councillor is the subject of a complaint. It is considered that the inclusion of a Parish Council representative will provide valuable Parish perspective and knowledge.
 - Specify that the Audit, Governance and Standards Committee comprises nine Councillors plus two non-voting Parish Councillors appointed by the Council for a three year term of office. It is considered that the Parish Council representatives can make a worthwhile contribution to the debate and that to cease the precedent which has been set could create ill-feeling. It is also considered that the reference to the Council's Independent Person should be deleted as their attendance would be by invitation.
 - Specify that the Parish Council representatives be appointed for a period of three years.
- 3.2 This will address the discrepancies within the Constitution and regularise the situation which has arisen regarding a Parish Council representative attending and participating in Audit, Governance and Standards Committee meetings.
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4. RISK

- 4.1 Accepting the recommendations will mitigate against the risks associated with discrepancies within and non-compliance with the Constitution.
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5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The report has been prepared following discussions with the Chairman and Vice-Chairman of the Audit, Governance and Standards Committee.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 If the recommendations are agreed, then a further report will be submitted to the Council in September 2018, and the Maidstone Area Committee of the Kent Association of Local Councils will be asked to nominate a second Parish Council representative to fill the vacancy which has arisen.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council's overall achievement of its aims through improved governance arrangements.	Debbie Snook, Democratic Services Officer
Risk Management	See paragraph 4.1 above.	Debbie Snook, Democratic Services Officer
Financial	The proposals set out in the recommendations are all within already approved budgetary headings and so no new funding is required. They allow the Parish Council representatives to participate in Audit, Governance and Standards Committee, which provides some independent input to the work of the Committee.	Section 151 Officer & Finance Team
Staffing	The recommendations if accepted will be delivered within current staffing resources.	Debbie Snook, Democratic Services Officer

Legal	Failure to accept the recommendations without agreeing suitable alternatives will place the Council in breach of its Constitution.	Legal Team
Privacy and Data Protection	There are no implications for privacy and data protection	Legal Team
Equalities	The report does not propose a change in service so will not require an equalities impact assessment.	Equalities and Corporate Policy Manager
Crime and Disorder	No impact.	Debbie Snook, Democratic Services Officer
Procurement	No impact.	Debbie Snook, Democratic Services Officer

8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

None