

**TO: GOVERNANCE & AUDIT COMMITTEE
25 JANUARY 2017**

ESTABLISHMENT OF CODE OF CONDUCT PANELS

Director of Corporate Services – Democratic & Registration Services

1 PURPOSE OF REPORT

- 1.1 This report asks the Committee to formalise the establishment of Code of Conduct Panels; to confirm their terms of reference; and the appointment of members to sit on them.

2 RECOMMENDATIONS

- 2.1 **That Code of Conduct Panels are set up as required to determine complaints about councillors or co-opted members, and to apply or recommend sanctions if appropriate, with the terms of reference and composition as set out in paragraph 5 of this report;**
- 2.2 **That the following people are appointed to the pool of co-opted members:**
- **David St John Jones in his capacity as the independent co-opted member of the Governance and Audit committee (independent co-opted member)**
 - **Heather Quillish (independent co-opted member)**
 - **Khan Juna (independent co-opted member)**
 - **Cllr Diana Henfrey (parish/town council representative)**
 - **Cllr Bob Shurville (parish/town council representative)**
- 2.3 **That the Borough Solicitor is delegated authority to make appointments to the pool of independent co-opted members as vacancies arise, in consultation with the Governance & Audit Committee Chairman.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 These are set out in the report.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None as this is giving effect to the Committee's and Council's previously expressed views in relation to this matter.

5 SUPPORTING INFORMATION

- 5.1 At its meeting on 30 November 2016, Council considered a number of recommendations from this Committee in relation to standards issues and in particular the procedure for dealing with allegations that councillors or co-opted members had breached the Code of Conduct for Members and Co-opted Members. Council agreed all of the recommendations which included the dissolution of the Standards Committee and the revision of the terms of reference of the Governance and Audit Committee to include consideration of standards issues which had previously been under the remit of the Standards Committee.

Code of Conduct Panel terms of reference

- 5.2 The new complaints procedure adopted by Council provides for a Code of Conduct Panel to be convened when required, with delegated authority to determine complaints and to apply or recommend sanctions if appropriate.
- 5.3 The terms of reference of the Panel are:
To consider allegations of misconduct against councillors and co-opted members of the Council and to impose appropriate sanctions in the case of a breach being found.
To specify whether any sanction should take effect immediately or at a later date and whether the sanction should be time limited.
- 5.4 Code of Conduct Panels have no power to suspend or disqualify a councillor or co-opted member, or to withdraw basic or special responsibility allowances.

Independent Person

- 5.5 The Localism Act 2011 requires the Council to appoint at least one Independent Person as part of its arrangements for dealing with allegations of a breach of the Code of Conduct. The Independent Person is someone at arm's length from the Council who will be available to be consulted by both the Monitoring Officer and the councillor or co-opted member who is the subject of the allegation.
- 5.6 It is important to note that the Independent Person fulfils a different role to the independent co-opted member and, although present at any hearing to advise the Panel, they will not be a member of the Panel itself.
- 5.7 The Council has previously appointed Dr Louis Lee as the Independent Person and Mr Elwyn Hopkin as the reserve. Their role and appointments are not affected by this report.

Panel membership

- 5.8 Each Panel will comprise any three councillors drawn from the Governance & Audit Committee based on their availability, and they will elect one of their number to chair the hearing. In addition there will be one non-voting co-opted member on each Panel.
- 5.9 As Code of Conduct Panels are in effect sub-committees of the Governance & Audit Committee they are required to observe political proportionality when the membership is set. However, in practice Code of Conduct Panels will have to be set up relatively quickly and therefore it is proposed that membership of each Panel is based on the availability of members. This is a variation of the proportionality rules which would otherwise require Cllr Mrs Temperton to sit on every Panel.
- 5.10 In order to ensure that there will always be an independent co-opted member on the Panel a pool of at least five people will be maintained and will be comprised of three people who are not parish/town or Borough councillors, referred to as independent co-opted members; and two parish/town councillors who are not Borough councillors, referred to as parish/town council representatives.
- 5.11 When a complaint concerns a Borough councillor in that capacity, the independent co-opted member will be one of the three co-optees who are not parish/town or Borough councillors, and when a complaint concerns a parish/town councillor in that capacity, the independent co-opted member will be one of the two parish/town councillors who are not Borough councillors.

Unrestricted

- 5.12 A Panel will not proceed without an independent co-opted member unless the agreement of the Governance & Audit Chairman and Monitoring Officer has been received.

Independent co-opted members

- 5.13 David St John Jones will be one of the co-optees who are neither parish/town nor Borough councillors, in his capacity as the independent co-opted member of the Governance & Audit Committee. It is proposed that the remaining two independent co-optees are Heather Quillish, a previous Standards Committee member and Khan Juna, former chairman of the Thames Valley Police Authority.

Parish/town council representatives

- 5.14 Nominations have been sought from the parish/town councils for two representatives. They have agreed the order in which nominations will be made and that each representative will remain in the pool for two years. The first two representatives will be drawn from Bracknell Town Council (Cllr Diana Henfrey has been nominated) and Winkfield Parish Council (Cllr Bob Shurville has been nominated).

Remuneration

- 5.15 The current Members Allowances Scheme makes provision for co-optees to be eligible to claim travel and subsistence for out of Borough approved duties in the same way as councillors. Any costs arising are likely to be small and will be met from existing budgets.
- 5.16 The Councils' Independent Remuneration Panel (IRP) will be convening in the Autumn 2017 to review the Members Allowances Scheme and will be asked to consider whether there should be any form of co-optees' allowance for the people in the pool as there is no provision for this in the current Scheme. A small allowance was payable to the independent co-opted members of the Standards Committee. Any costs arising from the IRP's recommendations will be met from existing budgets.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 Nothing to add to the report.

Borough Treasurer

- 6.2 There are no financial implications of the recommendations as any related costs are likely to be small and can be met from within existing budgets.

Equalities Impact Assessment

- 6.3 Not required.

Strategic Risk Management Issues

- 6.4 Not relevant.

Other Officers

- 6.5 None.

7 CONSULTATION

Principal Groups Consulted

7.1 Councillors through the Standards Framework Working Group.

Method of Consultation

7.2 Meetings.

Representations Received

7.3 The Working Group's recommendations formed part of the proposals to Council and this Committee.

Background Papers

None

Contact for further information

Ann Moore, Corporate Services - 01344 352260

ann.moore@bracknell-forest.gov.uk