

ITEM

ITEM

Council – 17 December 2009

APPOINTMENTS TO COUNCIL AND OUTSIDE BODIES

Report of the Member Support Services Manager

Statutory Powers: Local Government Act 1972 and Local Government and Housing Act 1989.

Financial Implications: None

Purpose:

1. To make appointments to Council and Outside Bodies as shown below.

RECOMMENDATION

That the Council RESOLVES that, with immediate effect for the remainder of the 2009/10 municipal year:-

1. **Cllr C W Jones be appointed to serve on the Environment Policy Development Group;**
2. **Cllr M Hannaford be appointed to serve on the Community Policy Development Group; and**
3. **Cllrs P W Hitchins, C M Pannell and R J Tucker be appointed to serve as the Council's representatives on the Shared Services Steering Group. For the purposes of Members' Allowances, attendance at meetings of this body will be regarded as an approved duty.**
4. **Provided the individual's consent is forthcoming, the parish councillor whose name is submitted to the meeting be appointed to the Standards Review Sub-Committee for the sole purpose of dealing with one outstanding request for a review; but if there be no consent, the Monitoring Officer be delegated authority, in consultation with Cllrs Hicks and Baldry, to appoint a suitable parish council representative for this one case.**

Background – Cllr Hannaford

2. The election of Cllr Mike Hannaford for the Totnes Bridgetown Ward, a Liberal Democrat Group Member, means that the political balance of the Council has remained unchanged. In view of this, the Acting Leader of the Minority Group has been consulted and has nominated Cllr Colin Jones to fill the vacancy on the Environment Policy Development Group for the remainder of the 2009/10

municipal year, with Cllr Hannaford therefore being appointed to serve on the Community Policy Development Group for the same time period.

Background – Shared Services Steering Group

3. At its meeting on 19 November 2009, the Executive agreed to establish a joint Shared Services Steering Group of six Members, three from South Hams District Council and three from West Devon Borough Council. It was intended that this Group would be tasked with agreeing recommendations on future shared services arrangements, which would be put to the Executive at South Hams and Strategies & Resources Committee at West Devon.
4. As a consequence, the following nominations have been put forward as the Council representatives on this Group for the remainder of the 2009/10 Municipal Year: Cllrs Hitchins, Pannell and Tucker.
5. At the time of report preparation, no other nominations have been received, although these may still be made at the meeting.

Background – Standards Committee

6. Members will recall that when (in June 2008) Council established sub-committees of the Standards Committee to conduct the assessment and review of complaints made about local councillors, reciprocal arrangements were made with West Devon Borough and Teignbridge District Councils for reviews of assessments carried out by one authority to be conducted by another, in the interests of impartiality (minute 33/08 (d) refers). Standards for England (SfE) have recently advised that this does not accord with the relevant regulations and that the membership of review sub-committees must include both a district councillor and a parish councillor for the area, neither of whom sat on the assessment under review. Complying with that advice presents a problem in dealing with an outstanding current review request.
7. We are unable to set up a review sub-committee that is compliant with the regulations. The reason is that although Cllr Westacott may sit and we can “borrow” an independent member from one of the other councils, all of the South Hams parish council representatives are prevented from participating because they sat on the assessment (although no criticism can be made of them for this; the assessment was made before the advice was received from Standards for England).
8. It is not reasonable to use the current reciprocal arrangements in the light of the advice we have received. The best solution is therefore to seek to appoint a parish council representative for this one case only. This requires Council approval. The Monitoring Officer has consulted the Members (Cllrs Hicks and Baldry) who recently sat on the panel to appoint two additional parish council representatives, and they agree that there is amongst those who were not then appointed a candidate who would be suitable to fulfil this role. The individual has been approached and if their consent is forthcoming, their name will be presented to Council at the meeting for approval. If not, the Monitoring Officer requests delegated authority, in consultation with Cllrs

Hicks and Baldry, to appoint a suitable parish council representative for this one case.

9. If we wish to use reciprocal arrangements for reviews, we must first set up a joint standards committee for all three councils. This requires deeper consideration, and of course consultation with the two other authorities, after which (and if so advised) the Monitoring Officer plans to submit a report to the Standards Committee and Council in the New Year.

Delyth Jenkins Evans
Head of Legal Services and Monitoring Officer

Darryl White
Member Support Services Manager

Council
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Background Documents:

South Hams District Council Constitution
Council minutes, 26 June 2008: minute 33/08