

REPORT NO. 3

**REPORT TO THE ETHICAL GOVERNANCE COMMITTEE MEETING
OF 6th FEBRUARY 2019**

Meeting: Ethical Governance
Date: 6 February 2019
Subject: Voting rights of co-opted Parish Members
Report of: Verina Wenham – Head of Legal and Democratic Services and Monitoring Officer
Portfolio Holder: N/A

1 Purpose of Report

1.1 To consider the voting rights of the Parish Members on the Ethical Governance Committee.

2 Recommendations:

2.1 To note the position regarding the role of the co-opted Parish Members on the Ethical Governance Committee as set out in the body of this report; and

2.2 The Committee to continue the requirement of co-opting Parish Members to the Ethical Governance Committee, in accordance with Article 9 of HDC's Constitution.

3 Summary of Reasons for the Recommendations

3.1 To clarify the role of the parish members with regards to their participation at meetings of the Committee and to highlight the important part that they play both through their input on matters concerning Parish Councils and their extensive experience on a broad range of Committee issues.

3.2 Clarity was sought as to whether the Parish Members were entitled to vote during the Ethical Governance Committee meetings.

3.3 Article 9 of the Harborough District Council's Constitution sets out the Terms of Reference for the Ethical Governance Committee, in accordance with the Localism Act 2011, and states that Parish Members will not be entitled to vote at meetings of the Ethical Governance Committee.

- 3.4 The reasoning behind the non-voting requirement is due to the Parish Members being co-opted onto the Committee, as oppose to being elected representatives.
- 3.5 However it is a requirement that at least 1 Parish Member needs to be present at any meeting where Parish matters are discussed.

4 Impact on Communities

- 4.1 High standards of probity and having a robust ethical framework which is regularly reviewed is an intrinsic part of the corporate governance and continuous improvement of the authority, ensuring transparency and accountability.

Good ethical governance is essential in demonstrating credibility and building confidence in public services.

5 Key Facts

- 5.1 The Ethical Governance Committee comprises of seven Elected Members and three Parish representatives.
- 5.2 Part 1 of the Localism Act 2011 made major changes to the system of regulation of standards of conduct for members, including the abolition of the statutory Standards Committee, which included two Parish Council representatives. Following the implementation of those changes in 2012 Harborough District Council resolved to continue to appoint parish members to the Ethical Governance Committee, the successor to the Standards Committee, but as co-opted members.
- 5.3 There is a general power under Section 102 of the Local Government Act 1972 to appoint a committee including persons who are not members of the local authority. This is the power used to appoint the parish representatives onto the Ethical Governance Committee. However, by virtue of Section 13 of the Local Government and Housing Act 1989 co-opted members shall be treated as non voting members. This is the statutory position and the Council does not have the power to override this provision. Article 9 of the Council's Constitution reflects this position in the Terms of Reference for the Ethical Governance Committee and states that Parish Members will not be entitled to vote at meetings of the Ethical Governance Committee.
- 5.4 However, whilst the parish Members cannot vote, the views of the Parish members are extremely valuable and respected by the Council and this is reflected by the fact that it is a requirement that at least 1 Parish Member needs to be present at any meeting where Parish matters are discussed.
- 5.5 Under the new arrangements, Parish Council representatives may still be involved as non-voting members of the Committee.

6 Legal Issues

- 6.1 The legal position with regards to the voting rights of co-opted members is set out in paragraph 3.3 above. It is a requirement that there are at least 3 Parish Members on the Ethical Governance Committee and at least 1 Parish Member needs to be present at any meeting where Parish matters are discussed. The Parish Members are non-voting co-opted members of the Ethical Governance Committee, and are appointed for a four year term until the local parish elections in 2019. The Constitution details the selection process at Article 9.

7 Resource Issues

- 7.1 The Council needs to undertake training for elected Members and Parish Members on a number of policies and procedures relating to Ethical Governance matters.

8 Equality Implications

- 8.1 There are none as far as this report is concerned.

9 Impact on the Organisation

- 9.1 The Council's Constitution currently requires the Ethical Governance Committee to have three Parish Members, specifically to contribute to discussions which involve parish matters.

10 Community Safety Implications

- 10.1 There are none as far as this report is concerned.

11. Carbon Management Implications

- 11.1 There are none as far as this report is concerned.

12. Risk Management Implications

- 12.1 There are none as far as this report is concerned.

13 Consultation

- 13.1 None as far as this report is concerned.

14 Options Considered

14.1 The position on the voting rights of co-opted members is governed by statute.

15 Background Papers

15.1 Council Minutes 25 June 2012. Council Minutes 18 December 2017.

Previous report(s): none

Information Issued Under Sensitive Issue Procedure: ~~Y/N~~

Ward Members Notified: ~~Y/N~~