



Notice is hereby given that the **ANNUAL MEETING** of the **COUNCIL OF THE BOROUGH OF GOSPORT** will be held in the **BALLROOM** of the **THORNGATE HALLS, BURY ROAD, GOSPORT** on **WEDNESDAY NEXT** the **FOURTEENTH DAY OF MAY 2008** at **11AM** AND **ALL MEMBERS OF THE COUNCIL ARE HEREBY SUMMONED TO ATTEND TO CONSIDER AND RESOLVE THE FOLLOWING BUSINESS –**

1. To receive apologies from Members for their inability to attend the Meeting.
2. Introduction of newly elected Councillors.
3. To elect from among the Councillors of the Borough a Mayor of the Borough of Gosport to serve for the Municipal Year 2008/2009.
4. To elect from among the Councillors of the Borough a Deputy Mayor of the Borough of Gosport to serve for the Municipal Year 2008/2009.
5. To award Citizen of the Year and Young Citizen of the Year Certificates and medallions to persons who have provided eminent services to the Borough.
6. Adjournment of Meeting

(Until 6pm on Thursday, 15 May 2008, at the Town Hall, Gosport).

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7. To confirm the Minutes of the Ordinary and Extraordinary Meetings of the Council held on 2 April (copy herewith) and 8 May (copy to follow) 2008.
  8. To consider any Mayor's Communications.
  9. To receive Deputations in accordance with Standing Order No 3.5 and to answer Public Questions pursuant to Standing Order No 3.6, such questions to be answered orally during a time not exceeding 15 minutes.

**(NOTE: Standing Order No 3.5 requires that notice of a Deputation should be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON MONDAY, 12 MAY 2008 and likewise Standing Order No 3.6 requires that notice of a Public Question should be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON MONDAY, 12 MAY 2008).**

10. Questions (if any) Pursuant to Standing Order No 3.4

**(NOTE: Members are reminded that Standing Order No 3.4 requires that Notice of Question pursuant to that Standing Order must be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON TUESDAY, 13 MAY 2008).**

11. To receive the report of the Returning Officer on the Elections held on 01 May 2008 (copy herewith)

12. Review of Independent Members on the Standards and Governance Committee

To consider the report of the Borough Solicitor (copy herewith).

13. Review of Council Boards, Sub-Boards and Committees and Determination of Allocation of Seats

To consider the report of the Borough Solicitor (copy to follow).

14. To appoint the Chairman of the Policy and Organisation Board pursuant to the Council's Standing Orders.

15. (a) To appoint the Boards, Nominated Deputies for the Regulatory and Licensing Boards, Overview and Scrutiny Committee and Standards and Governance Committee. Please refer to provisional list (copy to follow).

(b) To appoint Sub-Boards, Working Groups and Board Outside Bodies. Please refer to provisional list (copy to follow).

(c) To appoint Council Outside Bodies. Please refer to provisional list (copy to follow).

**IAN LYCETT  
CHIEF EXECUTIVE**

**TOWN HALL  
GOSPORT**

**06 May 2008**

**NOTE: (1) MEMBERS ARE REQUESTED TO NOTE THAT IF THE COUNCIL WISHES TO CONTINUE ITS BUSINESS BEYOND 9.30PM THEN THE MAYOR MUST MOVE SUCH A PROPOSITION IN ACCORDANCE WITH STANDING ORDER 4.11.18**

## **MINUTES OF THE MEETING OF THE COUNCIL HELD ON 2 APRIL 2008**

Attendance:

The Mayor (Councillor Gill) (P) (in the Chair);

The Deputy Mayor (Councillor Kimber) (P);

Councillors Allen (P), Ms Ballard (P), Burgess (P), Carr (P), Carter (P), Mrs Champion, Champion (P), Chegwyn (P), Clinton (P), Mrs Cully (P), Cully (P), Davis (P), Dickson (P), Edgar (P), Farr (P), Foster (P), Foster-Reed, Hicks (P), Hook (P), Jacobs (P), Langdon (P), Mrs Mudie (P), Philpott (P), Rigg, Mrs Salter (P), Mrs Searle (P), Smith (P), Taylor (P), Train (P), Ward, Mrs Wright (P) and Wright (P).

Also in attendance: Honorary Freeman Ashby and Mrs Simpson and Honorary Aldermen Mrs Bailey, Foster, Hayward and O'Neill.

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### **ONE MINUTE'S SILENCE**

In order to express their sympathy regarding the recent death of Mr Stephen Howell, former Member of the Borough Council, Members of the Council stood in silent tribute for one minute.

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### **APOLOGIES**

Apologies for inability to attend the meeting were submitted on behalf of Councillors Foster-Reed, Rigg and Ward and Honorary Alderman Rushton.

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### **MINUTES**

**COUNCIL RESOLVED: That the Minutes of the Ordinary and Extraordinary meetings of the Council held on 6, 13 and 25 February 2008 be confirmed and signed.**

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### **MAYOR'S COMMUNICATIONS**

#### **(A) DONATION TO MAYOR'S CHARITY**

The Mayor received a cheque from the Gosporters towards Harbour Cancer Relief, the Mayor's Charity.

**(B) BREAST CANCER MOONWALK**

The Mayor announced that Mrs Brenda Brooker, the Council's Press and Public Relations Officer, would be taking part in the Breast Cancer Moonwalk on Saturday, 5 April 2008.

**(C) ITEM OF URGENT BUSINESS**

The Mayor advised the Council that a request had been received for an urgent report of the Environmental Services Manager to be considered tonight. The report was entitled: 'Consideration of an Objection to the increase in Hackney Carriage and Private Hire Fees'.

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**STANDING ORDER 4.5.1 (j)**

**COUNCIL RESOLVED: That Standing Order 4.5.1 (j) be moved to enable the above urgent item of business to be considered next on the agenda.**

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**CONSIDERATION OF AN OBJECTION TO THE INCREASE IN HACKNEY CARRIAGE AND PRIVATE HIRE FEES**

By reason of special circumstances, the Mayor determined that this item be considered at this meeting notwithstanding the fact that it had not been available for public inspection in accordance with the provisions of Section 100B(4)(a) of the Local Government Act 1985.

The special circumstances were created by the requirement for the Council to confirm or amend the proposed increase in Hackney Carriage and Private Hire licences, which could not be implemented until such time as the matter had been considered by Council and an implementation date agreed.

**Councillors Dickson and Edgar declared personal and prejudicial interests in this item, left the Council Chamber and took no part in the discussion or voting thereon.**

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**STANDING ORDER 4.15.1**

The Mayor advised that Standing Order 4.15.1 needed to be moved to enable the Environmental Services Manager to introduce his report related to consideration of an objection to the increase in Hackney Carriage and Private Hire fees.

**COUNCIL RESOLVED: That Standing Order 4.15.1 be moved to enable the Environmental Services Manager to introduce his report related to the consideration of an objection to the increase in Hackney Carriage and Private Hire Fees.**

Consideration was given to a report of the Environmental Services Manager which requested Council to consider the objections raised by Mr M Poulter to the proposed increase in Hackney Carriage and Private Hire Fees and to uphold the revised fees or amend them as necessary.

A further letter had been received from Mr Poulter which questioned the reasonableness of the proposed increase in fees in comparison with those of other local authorities and suggested that the possibility of a judicial review may be looked into.

The view was expressed that all taxi drivers in Gosport had been consulted and, with the exception of Mr Poulter, had accepted the proposed fees as fair.

Assurances were sought that the income from the fees would equate with costs incurred by the Council. Officers advised that the increase in income was to cover the Council's increased costs and was comparable to that of other local authorities although exact costings were not available at the time. The figures contained in Mr Poulter's further letter referred to Hackney Carriage vehicle fees only.

Council was advised that whatever decision was made could be subject to judicial review, the success of which would depend on the Council's justification of the fees, if challenged.

It was moved by the Leader of the Council that the fees, as contained in the 2008/09 Budget Book, be re-affirmed as from 3 April 2008.

**The Motion was accordingly put to the vote and declared CARRIED.**

**COUNCIL RESOLVED: That the Hackney Carriage and Private Hire fee structure, as set out in the 2008/09 Budget Book, be re-affirmed as from 3 April 2008.**

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## **PART II MINUTES**

**COUNCIL RESOLVED: That the following Part II Minutes be received:**

Policy and Organisation Board: 12 March 2008 (Minute Nos. 72 – 80)

Community and Environment Board: 3 March 2008 (Minute Nos. 49 – 52)

Housing Board: 5 March 2008 (Minute Nos. 47 – 48)

**THANKS TO THE MAYOR**

The Group Leaders thanked the Mayor for the way he had chaired Council meetings throughout his period of office.

Members' best wishes were extended to those Councillors who were stepping down after the current Municipal Year.

**The meeting ended at 7.00 pm**

**GOSPORT BOROUGH COUNCIL**

**RETURNING OFFICER'S REPORT ON BOROUGH COUNCIL ELECTIONS**

**01 MAY 2008**

1. I have to report that, whereas the number of Candidates validly nominated in the election of Councillors for each of the Alverstoke, Anglesey, Bridgemary North, Bridgemary South, Brockhurst, Christchurch, Elson, Forton, Grange, Hardway, Lee East, Lee West, Leesland, Peel Common, Privett, Rowner and Holbrook and Town Wards of the Borough exceeded the number of Councillors to be elected for the respective Wards, a poll was taken on the 01<sup>st</sup> day of May 2008, and the votes cast for the respective Candidates at each such election were as follows:-

<b>WARD</b>	<b>NAMES OF CANDIDATES</b>	<b>VOTES GIVEN FOR EACH CANDIDATE</b>
ALVERSTOKE	Jennifer Bevan HALL	127
	Mark William Paul HOOK	1175
	Graham Ernest PAYNE	200
	Judith SMITH	165
ANGLESEY	Robert Wesley FORDER	711
	Graham John HEWITT	72
	Brian TAYLOR	664
BRIDGEMARY NORTH	Keith Leslie EDWARDS	594
	Kenneth Patrick John SEARLE	544
BRIDGEMARY SOUTH	Michael Stuart GEDDES	625
	Jill Madeleine WRIGHT	529
BROCKHURST	Ivor Roger FOSTER	476
	Michael Anthony O'GORMAN	81
	Michael William SALTER	571
	Jane STAFFIERI	74
CHRISTCHURCH	Catherine Elizabeth ANDREWS	68
	Heather Gillian CARR	487
	Richard James DICKSON	501
	Veronika FORSTER	55
	Paul NOAKES	61

<b>WARD</b>	<b>NAMES OF CANDIDATES</b>	<b>VOTES GIVEN FOR EACH CANDIDATE</b>
ELSON	Andrea Lisa BAILEY	582
	Francis John BRIDGEWATER	103
	Lynn Maree HOOK	510
	Michael John MADGWICK	61
FORTON	Mervin John BRADLEY	448
	Keith Cyril FARR	396
	Peter David GREENWOOD	250
GRANGE	Alan Edward James DURRANT	59
	Iain Ross MACLENNAN	25
	George MORBY	216
	Kim WEST	359
HARDWAY	Jess Dylan CULLY	182
	Darren John FELLS	73
	Peter Charles LANGDON	792
	Andrea Claire Harte SMITH	472
LEE EAST	Peter BELL	74
	Howard Graham BURGESS	1182
	Paul Gabriel KEELEY	373
LEE WEST	John William BEAVIS	1691
	Jill WHITCHER	194
LEESLAND	George MCALEESE	555
	Vivienne Ann O'GORMAN	94
	David George William Gilbert SMITH	604
PEEL COMMON	John Alan BOWLES	291
	Joseph William O'GORMAN	136
	Stephen PHILPOTT	913
PRIVETT	Ingeborg FORDER	734
	Colin Dudley JACOBS	677
	John Roy MADGWICK	68
ROWNER & HOLBROOK	Michael Anthony Vincent Peter EDWARDS	215
	Marcus Thomas MURPHY	345
	Robert Henry SHAW	131
	John TRAIN	183
TOWN	Adam Dickson Ewens BURNS	427
	Harry Cecil HAINES	43
	Christine Mary HARRIS	94
	Diane SEARLE	492
	Cyril Richard John SIMPSON	240



2. The undermentioned Candidates who received the greatest number of votes were therefore elected Councillors for a four-year period.

**WARD**

**COUNCILLOR**

ALVERSTOKE	Mark William Paul HOOK
ANGLESEY	Robert Wesley FORDER
BRIDGEMARY NORTH	Keith Leslie EDWARDS
BRIDGEMARY SOUTH	Michael Stuart GEDDES
BROCKHURST	Michael William SALTER
CHRISTCHURCH	Richard James DICKSON
ELSON	Andrea Lisa BAILEY
FORTON	Mervin John BRADLEY
GRANGE	Kim WEST
HARDWAY	Peter Charles LANGDON
LEE EAST	Howard Graham BURGESS
LEE WEST	John William BEAVIS
LEESLAND	David George William Gilbert SMITH
PEEL COMMON	Stephen PHILPOTT
PRIVETT	Ingeborg FORDER
ROWNER & HOLBROOK	Marcus Thomas MURPHY
TOWN	Diane SEARLE

**L EDWARDS  
RETURNING OFFICER**

**TOWN HALL  
GOSPORT**

**06 MAY 2008**

GOSPORT BOROUGH COUNCIL

<b>BOARD/COMMITTEE:</b>	<b>ADJOURNED ANNUAL COUNCIL</b>
<b>DATE OF MEETING:</b>	<b>15 MAY 2008</b>
<b>TITLE:</b>	<b>REVIEW OF INDEPENDENT MEMBERS ON THE STANDARDS AND GOVERNANCE COMMITTEE</b>
<b>AUTHOR:</b>	<b>BOROUGH SOLICITOR</b>
<b>STATUS:</b>	<b>FOR DECISION</b>

**PURPOSE**

To advise Members of the new arrangements transferring responsibility for assessment and hearing of complaints about Members Conduct to Local Standards Committees from the Standards Board for England and to propose the recruitment of 3 Independent Members.

**RECOMMENDATIONS**

That the Council agrees:

- (i) to increase the size of the Standards and Governance Committee to 9 comprising 3 Independent Members and 6 Councillors
- (ii) the procedure for recruiting Independent Members as set out in Section 2 of this report
- (iii) that Mr Perry is appointed as an Independent Member of the Standards and Governance Committee for a period of 4 years
- (iv) that the Monitoring Officer is authorised to commence the procedure for recruiting the Independent Members (two vacancies if recommendation (i) above is accepted).

## **1.0 Background**

- 1.1 The Local Government Act 2000 (the Act) has been amended to facilitate the transfer of responsibility from the Standards Board for England to local Standards Committees. The Standards Committee (England) Regulations 2008 (the Regulations) detailing how these new arrangements are to work were laid before Parliament on 17 April 2008 and come in to force on 8 May 2008.
- 1.2 The Standards Board for England have now issued their Toolkit to assist Councils but the DCLG Guidance is still awaited.
- 1.3 The Standards and Governance Committee considered a report on these new arrangements at its meeting on 24 April 2008 and approved the recommendations set out in that report. The report is attached as Appendix 1.

## **2.0 REPORT**

- 2.1 The Regulations require that at least 25% of the Council's Standards Committee comprises Independent Members. Such members may only be appointed if their appointment is approved by the majority of the Council, advertised in one or more newspapers circulating in the Council's area and such other publications or websites as the Council considers appropriate, and that they have submitted an application to the Council for the vacancy.
- 2.2 A person may not be appointed as an Independent Member if in the preceding five years they have been a member or officer of the Council or a relational close friend of a member officer of the Council. Independent Members of another authority may be appointed to this Council's Standards Committee and this appointment can be in relation to particular allegations rather than for a specified period.
- 2.3 It is for the Council to adopt such procedures as it thinks fit for the appointment of Independent Members, and they must have regard to any relevant guidance issued by the Standards Board for England under the Regulations.
- 2.4 The Standards and Governance Committee currently comprises eight members, two Independent and six Councillors. There is currently a vacancy for an Independent Member. As the Standards and Governance Committee have decided to set up 2 Sub-Committees these will need to be chaired by an Independent Member. In order to ensure that there is always an independent member available it is proposed to increase the number of Independent Members to 3.
- 2.5 In the past the Council has advertised vacancies for Independent Members in the Portsmouth News. It is suggested that the

procedure is amended to also include advertisements on the Council's website and if time permits and subject to the Editorial Panel's approval in Coastline as this publication goes to all residential properties in the Borough.

- 2.6 The criteria for appointment used by the Council has been that the applicant must at the time of their appointment live or work in the Borough. The Standards Board have issued guidance on standard committees and they suggest that the qualities the Council may wish to see is that the applicant is familiar with ethical dilemmas, has experience of committee work, has questioning skills, is assertive and is independent of any political party and local government. It is proposed that these are included in the Council's criteria for appointment of independent members.
- 2.7 Previous applicants have been interviewed by the Chief Executive and Monitoring Officer and their appointment is approved by full Council. This approval is on a year by year basis through the appointment of members to the Standards and Governance Committee at the Annual Council meeting.
- 2.8 It is proposed that the Chief Executive and Monitoring Officer continue to be responsible for the process of recruiting Independent Members, including advertising, interviewing and preparing the report to Council to approve their appointment.
- 2.9 The Standards Board guidance suggests that independent members are appointed for a period which will enable them to become familiar with the work of the Committee but not too long that they lose their independence. It is proposed that independent members are appointed for a 4 year period.
- 2.10 In respect of the current Independent Member, Mr Perry, he was recruited by advertisement and has indicated that he would wish to continue to be an independent member of the committee. It is proposed that he is appointed for four years.

### **3.0 Risk Assessment**

- 3.1 The Council has to comply with the statutory obligations which may place a significant additional burden on the Monitoring Officer.
- 3.2 It will be necessary to keep under review the resources available to the Monitoring Officer to enable her to discharge her duties and assist the Standards and Governance Committee in discharging their duties under the legislation.

## SUPPORTING INFORMATION

<b>Financial Services Comments:</b>	Nil
<b>Legal Services Comments:</b>	As indicated in Section 2
<b>Service Improvement Plan implications:</b>	Nil
<b>Corporate Plan:</b>	Nil
<b>Risk Assessment:</b>	Nil
<b>Background Papers:</b>	Council Meeting 29 November 2006 Report to Standards and Governance Committee 24 April 2008
<b>Appendices/Enclosures:</b>	Report to Standards and Governance Committee 24 April 2008
<b>Report Author/Lead Officer:</b>	Linda Edwards, Borough Solicitor

## APPENDIX 1

<b>Board/Committee:</b>	Standards & Governance Committee
<b>Date of Meeting:</b>	24 April 2008
<b>Title:</b>	Local Assessment and Hearing of Complaints about Member Conduct
<b>Author:</b>	Borough Solicitor
<b>Status:</b>	<b>FOR RECOMMENDATION TO COUNCIL AND FOR DECISION</b>

### **Purpose**

To advise Members of the new arrangements transferring responsibility for assessment and hearing of complaints about Members Conduct to Local Standards Committees from the Standards Board for England

### **Recommendation**

#### **Standards and Governance Committee recommend to Council**

1. That the Council increase the size of the Standards and Governance Committee to 9 comprising 3 Independent Members and 6 Councillors
2. The procedure for recruiting Independent Members set out in Section 2 of this report be approved.
3. The Monitoring Officer be authorised to commence the procedure for recruiting the Independent Members (two vacancies if recommendation 1 above is accepted).

#### **Recommendation to Standards and Governance Committee**

1. That assessment of all allegations is delegated to and undertaken by an Assessment Sub-Committee comprising three members of the Standards and Governance Committee to be chaired by an Independent Member, and involving at least one Councillor.
2. That all reviews of decisions of the Assessment Sub-Committee is delegated to and undertaken by a Review Sub-Committee comprising three members of the Standards and Governance Committee chaired by an Independent Member and involving at least one Councillor.
3. That the hearing of matters referred to the Standards & Governance Committee for determination be delegated to a Determination Sub-Committee comprising three members of the Committee and chaired

by an Independent Member and involving at least one Councillor.

4. That substitute members be appointed to the relevant Sub-Committee from the members of the Standards and Governance Committee.
5. That the address to which written allegations under Section 57 A (1) of the Local Government Act 2000 are to be sent shall be the Monitoring Officer at the Town Hall and that a generic email address also be set up.
6. That details of the new arrangements for local assessment and determinations are prepared by the Monitoring Officer and published in Coastline (subject to the Editorial Panel's consent) and on the website and that leaflets are produced and placed in the Town Hall reception and subject to agreement in Libraries and the CAB.
7. That the conduct of any appeal to the Adjudication Panel be delegated to the Monitoring Officer, including the decision and appointment of external legal representation and that the Monitoring Officer keep the Standards and Governance Committee regularly updated on progress of any appeal.

## **1 Background**

- 1.1 The Local Government Act 2000 (the Act) has been amended to facilitate the transfer of responsibility from the Standards Board for England to local Standards Committees. The Standards Committee (England) Regulations 2008 (the Regulations) detailing how these new arrangements are to work were laid before Parliament on 17 April 2008 and come in to force on 8 May 2008.
- 1.2 The Standards Board for England are hoping to issue guidance under the Regulations in the week commencing 21 April 2008.

## **2 Report**

### **Independent Members**

- 2.1 The Regulations require that at least 25% of the Council's Standards Committee comprises Independent Members. Such members may only be appointed if their appointment is approved by the majority of the Council, advertised in one or more newspapers circulating in the Council's area and such other publications or websites as the Council considers appropriate, and that they have submitted an application to the Council for the vacancy.
- 2.2 A person may not be appointed as an Independent Member if in the preceding five years they have been a member or officer of the Council or a relational close friend of a member officer of the

Council. Independent Members of another authority may be appointed to this Council's Standards Committee and this appointment can be in relation to particular allegations rather than for a specified period.

- 2.3 It is for the Council to adopt such procedures as it thinks fit for the appointment of Independent Members, and they must have regard to any relevant guidance issued by the Standards Board for England under the Regulations.
- 2.4 The Standards and Governance Committee comprises eight members, two Independent and six Councillors. There is currently a vacancy for an Independent Member and given the provisions of the regulations set out below it is suggested that the Standards and Governance Committee is now increased to nine members, three being Members and six being Councillors.
- 2.5 In the past the Council has advertised vacancies for Independent Members in the Portsmouth News. It is suggested that the procedure is amended to include advertisements on the Council's website and if time permits and subject to the Editorial Panel's approval in Coastline as this publication goes to all residential properties in the Borough.
- 2.6 The criteria used by the Council has been that the applicant must at the time of their appointment live or work in the Borough. The applicants have been interviewed by the Chief Executive and Monitoring Officer and their appointment is approved by full Council. This approval is on a year by year basis through the appointment of members to the Standards and Governance Committee at the Annual Council meeting.
- 2.7 It is suggested that the Chief Executive and Monitoring Officer continue to be responsible for the process of recruiting Independent Members, including advertising, interviewing and preparing the report to Council to approve their appointment.
- 2.8 Subject to any guidance from the Standards Board for England it is suggested that applicants should continue to meet the criteria in paragraph 2.6 above but that their appointment is now for a fixed period of four years. In respect of the current Independent Member if he wishes to continue it is suggested that at the Annual Council meeting this year he is appointed for four years.

### **Sub-Committees**

- 2.9 The Act permits the Standards and Governance Committee to appoint one or more Sub-Committees for the purpose of discharging any of the committee's functions, and this can be at the exclusion of the committee itself.



2.10 The Regulations require the Standards and Governance Committee to appoint Sub-Committees to:

- Assess allegations for breach of the Code of Conduct (Assessment Sub-Committee).
- Review of the decision of an Assessment Sub-Committee to take no action in respect of an allegation (Review Sub-Committee).

These Sub-Committees must be chaired by an Independent Member. No member involved in assessment of an allegation may take part in a review of that decision. It is suggested that the functions under Section 57 A of the Act is delegated to an Assessments Sub-Committee and the functions specified in Section 57 B of the Act is delegated to the Review Sub-Committee. Terms of Reference for these Sub-Committees will be finalised following receipt of the guidance and brought to the next meeting for the Committee's approval.

2.11 The Committee may if it wishes appoint a Sub-Committee to undertake the hearing of a complaint, and if they do appoint such a Sub-Committee it must be chaired by an Independent Member. As there is a statutory timetable for the determination for complaints and it is suggested that a Determinations Sub-Committee be set up to hear and determine complaints. This delegation of function is not to the exclusion of the Committee.

2.12 It will be important to be able to appoint substitute members but any substitutes may only be appointed if they are a member of the Standards and Governance Committee.

### **Procedure for dealing with allegations**

2.13 The Standards and Governance Committee has to publish the details of the address to which written allegations are to be sent. It is suggested that written allegations should be sent to the Monitoring Officer at the Town Hall and that a generic email address is also set up.

2.14 The Standards and Governance Committee is also to publish details of the procedures it will follow in relation to any written allegation and to take account of any relevant guidance issued by the Standards Board.

2.15 The Council has already published procedures in Part 4 – Schedule 17 of the Constitution and it is suggested that these are used for the present, and a report is brought to the next Standards and Governance Committee reviewing these procedures in the light of the expected Standards Board for England guidance.

## **Appeals**

- 2.16 Any appeal by a Member against the determination of a complaint is made to the Adjudication Panel which is a national body and not a panel of this Council. The appeal can be undertaken in writing or by hearing.
- 2.17 The Standards and Governance Committee may be represented by any member of the Committee, the Monitoring Officer or by other legal representation in any such appeal. It is suggested that any representations on an appeal to the Adjudication Panel whether written or at a hearing be conducted by the Monitoring Officer who would make arrangements for the appointment of external legal representation as she thinks appropriate. The Monitoring Officer would obviously keep the Standards and Governance Committee regularly updated as to progress of any appeal.

### **3 Risk Assessment**

- 3.1 The Council has to comply with the statutory obligations which may place a significant additional burden on the Monitoring Officer.
- 3.2 It will be necessary to keep under review the resources available to the Monitoring Officer to enable her to discharge her duties and assist the Standards and Governance Committee in discharging their duties under the legislation.

### **4 Conclusion**

- 4.1 This report has dealt with the administrative arrangements for dealing with the new responsibilities in relation to complaints about Members' conduct.
- 4.2 As indicated above a report will need to be brought to the next Standards and Governance Committee dealing with the procedure for hearings and advising Members of any other changes which are necessary in order to take account of the Standards Board for England's guidance.
- 4.3 The Standards Board for England is publishing guidance and a toolkit for Standards Committees and this will be useful as a starting point in providing training and training materials to members of the Committee.
- 4.4 It should also be noted that the Council via the Monitoring Officer will be expected on a quarterly basis to make returns on complaints, investigations and determinations to the Standards Board for England.

<b>Financial Services comments:</b>	No provision is currently made in the Council's budget for the cost of undertaking these new responsibilities.
<b>Legal Services comments:</b>	Contained in the report.
<b>Service Improvement Plan implications:</b>	
<b>Corporate Plan:</b>	Responding to these new responsibilities should assist the Council in the pursuit of excellence objectives.
<b>Risk Assessment:</b>	Contained in the report
<b>Background papers:</b>	The Constitution, Local Government Act 2000 and the Standards Committee (England) Regulations 2008
<b>Appendices/Enclosures:</b>	None
<b>Report author/ Lead Officer:</b>	Borough Solicitor

GOSPORT BOROUGH COUNCIL

<b>BOARD/COMMITTEE:</b>	<b>ADJOURNED ANNUAL COUNCIL</b>
<b>DATE OF MEETING:</b>	<b>15 MAY 2008</b>
<b>TITLE:</b>	<b>REVIEW OF COUNCIL BOARDS, SUB-BOARDS AND COMMITTEES AND DETERMINATION OF ALLOCATION OF SEATS</b>
<b>AUTHOR:</b>	<b>BOROUGH SOLICITOR</b>
<b>STATUS:</b>	<b>FOR DECISION</b>

**PURPOSE**

To advise the Council of the balance of the seats on the Council and the position with regard to Political Groups and to undertake a review in accordance with the "Proportionality Rules" of the balance of seats on the Boards, Sub-Boards and Committees of the Council.

**RECOMMENDATIONS**

That the Council approve:

1. The allocation of seats on the Boards and Committee as set out in paragraph 3.1
2. The allocation of seats on the Sub-Boards as set out in paragraph 4.2.
3. The allocation of seats on the Standards & Governance Committee as set out in paragraph 5.2.

## **1.0 REVIEW OF COUNCIL BOARDS AND SUB-BOARDS**

**1.1** The Council previously reviewed the allocation of seats and made a determination as to the allocation between the Political Groups at the Annual Council Meeting in 2007.

## **2.0 PROPORTIONALITY RULES**

**2.1** Following the local election notices were received from 3 political groups.

**2.2** Section 15 of the Local Government and Housing Act 1989 requires the Council to review the allocation of seats and when making allocation of seats to Political Groups allocations are made to give effect so far as reasonably practicable to the following principles:

1. That not all the seats are allocated to the same Political Group;
2. That the majority of seats are allocated to the Political Group having a majority of seats on the Council;
3. That subject to 1 and 2 above the number of seats on the total of all Boards and Committees of the Council allocated to each Political Group bears the same proportion to the proportion on the Council;
4. That subject to all the above the number of seats on each Board and Committee allocated to each Political Group bears the same proportion to the proportion on the Council

As no party has a majority of seats on the Council principle 2 above does not apply.

**2.3** The council has five Boards and one Overview and Scrutiny Committee; there are 64 seats to be allocated as set out in paragraph 2.2 above. However, it is not possible to allocate 64 seats in exact proportion as each Political Group has on the Council, as can be seen from the table below.

	<b>CONSERVATIVE</b>	<b>LABOUR</b>	<b>LIBERAL DEMOCRATS</b>	<b>TOTAL</b>
Seats	16	4	14	34
Proportion	47.06%	11.76%	41.187%	100%

	<b>CONSERVATIVE</b>	<b>LABOUR</b>	<b>LIBERAL DEMOCRATS</b>
Seats	<b>30.11</b>	<b>7.53</b>	<b>26.35</b>

### 3.0 PROPOSED ALLOCATION – BOARDS, OVERVIEW & SCRUTINY COMMITTEE

3.1 The proposed allocation of seats is set out below.

	<b>CONSERVATIVE</b>	<b>LABOUR</b>	<b>LIBERAL DEMOCRATS</b>
Number of seats	31	7	26
Percentages	48.44	10.94%	40.63%
Differences between percentage of seats on Council and seats on Boards & Committees	+1.38%	-0.82%	-0.55%

	<b>CONSERVATIVE</b>	<b>LABOUR</b>	<b>LIBERAL DEMOCRATS</b>
Policy & Organisation	5	1	4
Community & Environment Board	5	1	4
Housing Board	5	1	4
Regulatory Board	5	1	4
Licensing Board	6	1	5
Overview & Scrutiny Committee	5	2	5
<b>Total</b>	<b>31</b>	<b>7</b>	<b>26</b>

3.2 This proposed allocation gives effect to the principles set out in paragraph 2.2 above

### 4.0 PROPOSED ALLOCATION – SUB-BOARDS

4.1 In allocating seats on the Sub-Boards of the Council, again, the proportions cannot be matched. Furthermore, any “ex-officio” Members of the Sub-Boards without voting rights is disregarded under the Proportionality Rules. The Council has previously approved the Proportionality Rules being applied to all Working Groups and Steering Groups.

	<b>CONSERVATIVE</b>	<b>LABOUR</b>	<b>LIBERAL DEMOCRATS</b>
Seats	22.59	5.64	19.77
48	47.06%	11.76%	41.18%

**4.2** It is proposed that the Council allocates seats on the Sub-Boards as set out below as this is the allocation closest to the proportion of seats the political groups have on the Council.

	<b>CONSERVATIVE</b>	<b>LABOUR</b>	<b>LIBERAL DEMS.</b>
Number of seats	22	6	20
Percentages	45.83%	12.5%	41.67%
Differences between percentage of seats on Council and seats on Sub-boards	-1.23%	+0.74%	+0.49%

	<b>CONSERVATIVE</b>	<b>LABOUR</b>	<b>LIBERAL DEMOCRATS</b>
Personnel	3	1	2
Gosport Coastline	3	1	2
Civic & Commemorative Events	4	0	4
Emergency	3	1	2
Grants	2	1	3
Priddy's Hard Heritage Area	3	1	2
Transportation & Planning	3	0	3
Community Events	1	1	2
<b>Total</b>	<b>22</b>	<b>6</b>	<b>20</b>

## **5.0 STANDARDS AND GOVERNANCE COMMITTEE**

**5.1** The proportionality rules do not apply to the Standards and Governance Committee. However, the Council had previously agreed that in addition to the independent members, each Political Group should have two seats. The Standards Board for England believes that Standards Committees should include appropriate political

representation with the support of all political parties and that they should be constituted to ensure that no one political group dominates. They also believe that only one chairman of a Board (including the Leaders) should sit on the Standards & Governance Committee which is consistent with the regulations governing authorities operating executive arrangements.

**5.2** It is proposed that the seats for members should be allocated as follows.

	<b>CONSERVATIVE</b>	<b>LABOUR</b>	<b>LIBERAL DEMOCRATS</b>
<b>Seats</b>	2	2	2

### **SUPPORTING INFORMATION**

<b>Financial Services Comments:</b>	Nil
<b>Legal Services Comments:</b>	As indicated in Section 2
<b>Service Improvement Plan implications:</b>	Nil
<b>Corporate Plan:</b>	Nil
<b>Risk Assessment:</b>	Nil
<b>Background Papers:</b>	Council Meeting 29 November 2006
<b>Appendices/Enclosures:</b>	None
<b>Report Author/Lead Officer:</b>	Linda Edwards, Borough Solicitor



**Agenda item no. 15(C)**

**ADJOURNED ANNUAL COUNCIL MEETING – 15 MAY 2008**

**ADDENDUM REPORT**

**HASLAR TASK FORCE**

Council to reaffirm its agreement to Group Leaders reappointing Councillors to the Haslar Task Force.

**GOSPORT COMMUNITY ASSOCIATION – EXECUTIVE COMMITTEE**

The Council has been advised not to make a nomination to the above Outside Body.