

Agenda Item No:

Report to: Standards Committee

Date of Meeting: 10 September 2009

Report Title: INDEPENDENT MEMBERS

Report By: Jayne Butters
Borough Solicitor

Purpose of Report

To advise Committee of the position regarding its independent members and to suggest immediate recruitment of two further independent members, and to seek Council's agreement to the principle of appointment of additional independent members and to delegate to Standards Committee the actions involved in recruitment and selection, with a view to appointment at December Council.

Recommendation(s)

- 1. To recommend to Council to agree the principle of the appointment of two additional independent members ;**
- 2. To recommend to Council that it delegates to Standards Committee the power to recruit and select two individuals with a recommendation to Council to appoint.**
- 3. To instruct the Borough Solicitor to place an advertisement in a local newspaper and on the Council's website.**
- 4. To appoint a Recruitment Sub-Committee of one independent member and two elected members, subject to Council's agreement to the delegation sought .**

Reasons for Recommendations

To comply with Standards Board for England Guidance.

Background

Independent Members of Standards Committee

1. One of the cornerstones of the ethical framework established under Part 3 of the Local Government Act 2000 is the requirement for independent members. Independent members are important in creating and maintaining public confidence in the local standards committee and that it operates in a fair and impartial manner.
2. There is no maximum number of independent members on standards committee and, indeed, some Council's operate with a majority of independent members. There is a minimum of one quarter of the membership of the committee.
3. When considering the appointment of the Assessment and Review Sub-Committees, consideration was given to the appointment of a further independent member. At the time the Committee agreed that two independent members should be sufficient to operate the assessment and review stages of complaint consideration, with the delegation to the Monitoring Officer to appoint an independent member from another standards committee to chair a sub-committee in case of non-availability of one of the two independent members.

Standards Board Guidance

4. The Standards Board states that it is for the authority to select its independent members and to determine the length of the appointment. The Role and Make-up of Standards Committee Guidance (the Guidance) suggests that a fixed period of 4 years is set. This is seen as long enough for the member to gain an understanding of the Committee but not so long as to bring the independence of the members into question. The Guidance suggests a maximum of 2 such terms of office.
5. Our own independent members, Vic Kempner and Sue Fellows, were first appointed in 2002 and 2003 respectively. They are appointed annually an Annual Council. That means that the recommended 8 year maximum term of service will expire at the end of this municipal year for one and the following for the other.
6. The Local Government Act 2000 requires authorities to have regard to guidance issued by the Standards Board. It is not binding but certainly persuasive. As Monitoring Officer I have no concerns regarding the independence of the Council's two independent members.
7. Nevertheless, it seems appropriate that we consider recruitment to appoint a further two independent members. It is suggested that recruitment is undertaken immediately with a view to the appointment of the independent members before the end of the municipal year. This will provide a time of learning for the independent members before Vic Kempner's 8 year term of office comes to an end. It will also provide resilience within Standards Committee to handle complaints on into the next municipal year as well as reinforcing public perception of the independence of the Committee.

Recruitment Process

8. Not surprisingly, the Guidance suggests that independent members must be chosen in a fair and open way.
9. There are certain disqualifications:-
 - a. the applicant has been a member or officer of the authority within the previous 5 years of the appointment;
 - b. the applicant is an officer or member of the authority or any other relevant authority;
 - c. the applicant is a relative or close friend of a member or employee of your authority;
 - d. the applicant has to have applied for the position;
 - e. the appointment has to have been approved by a majority of the members of the Council.
 - f. the appointment follows advertising of the position in at least one newspaper circulating in the authority's area.
10. The Guidance suggests that the authority delegates to its standards committee the power to assist in the recruitment and that this is included in the committee's terms of reference. It is suggested that the committee appoints a sub-committee to shortlist and interview candidates and to make recommendations to the council and that the monitoring officer and personnel office are present to provide advice and assistance.
11. The Guidance gives detailed advice on selection criteria which would be adopted in the recruitment process.
12. East Sussex County Council have recently successfully recruited to a vacancy for an independent member. The advertisement they used is attached as Appendix 1. It is understood that there was a good response to the advertisement, attracting suitable applicants. It is suggested that we use a similar advertisement.
13. I would recommend this as a way forward with a view to obtaining revision of the Committee's terms of reference to permit assistance in the recruitment at October Council and then appointment of two independent members at December Council on the recommendation of the sub-committee.
14. Consideration should be given, prior to advertisement of the positions, of the term of the appointment. The Standards Board recommends a 4 year term. Hastings Borough Council has appointed on an annual basis at Annual Council. Clearly, any appointment at December Council would have to take account of the balance of the current municipal year.

Financial Implications

15. The current allowance payable to independent members is £555 per annum. With the addition of two further independent members, there would be a pro-rata

allowance payable to both between December 2009 and May 2010, and an additional £555 per annum from May 2010.

Wards Affected

None

Area(s) Affected

None

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	No
Organisational Consequences	Yes

Supporting Documents

The Standards Board for England Guidance -The Role and Make-up of Standards Committees
Appendix 1 - East Sussex County Council advertisement

Officer to Contact

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