

Committee: Standards Committee

Date: 26 February 2015

Wards: All

Subject: Appointment of independent persons and independent non-voting co-opted members

Lead officer: Paul Evans, Assistant Director Corporate Governance

Lead member: Councillor Peter McCabe, Chair of Standards Committee

Contact officer: Julia Regan, Head of Democracy Services, 0208 545 3864

Recommendations:

- A. That the Standards Committee appoints an interview panel comprising one councillor from each political group to interview and recommend to Council the appointment of two independent persons to serve for a period of three years from 12 July 2015
 - B. That the Standards Committee agrees to combine the role of the independent person and the independent non-voting co-opted members so that the two independent persons appointed from 12 July 2015 will also become co-opted members of the Standards Committee
 - C. That the Standards Committee agrees to review this arrangement when their February 2016 and to take a view on whether it still requires a third co-opted member
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report asks Standards Committee to put arrangements in place for the recruitment of two independent persons. It also asks the Committee to agree to combining the roles of the independent persons and the independent non-voting co-opted members of the Standards Committee.

2 DETAILS

Independent persons

- 2.1. The Localism Act 2011 requires the council to appoint at least one independent person. The functions of the independent person, set out in the council's constitution, are:
 - The independent person must be consulted and views taken into account before the authority takes a decision on any allegation it has decided to investigate
 - The independent person may be consulted by the authority in circumstances where the authority is not taking a decision whether to investigate the allegation
 - The independent person may be consulted by a member of the authority against whom an allegation has been made

- 2.2. It is important to ensure that the impartiality of the independent person is not compromised by undertaking more than one of these roles where it would be inappropriate to do so.
- 2.3. Council, at its meeting on 11 July 2012, therefore agreed the appointment of two independent persons, Carole Mercer and Derek Prior, for a period of three years from 11 July 2012.
- 2.4. Standards Committee is therefore asked to appoint an interview panel to interview and recommend to Council the appointment of two independent persons to serve for a period of three years from 12 July 2015.
- 2.5. It is recommended that Standards Committee establish a three person panel with one member from each political group. The Committee should determine who will chair the panel. The Chair would not normally have a casting vote. Committee, however, is free to make any alternative arrangement it wishes to make.
- 2.6. The independent persons have been consulted by the council's Monitoring Officer a total of six times regarding six complaints made against councillors since July 2012.
- 2.7. Independent non-voting co-opted members
- 2.8. The Localism Act 2011 introduced a new standards regime for councils. One of the aspects of this was the abolition of statutory Standards Committees. Council, at its meeting on 11 July 2012, therefore agreed to establish a new Standards Committee that would be an ordinary proportional committee of 8 councillors and 3 non-voting co-opted members appointed to the Standards Committee.
- 2.9. The second term of office for two of the co-opted members, Nigel Brotherton and Beverley Huie, will expire on 1 July 2015, and Sophie Bowen's first term of office will expire on 30 June 2016.
- 2.10. These posts are entirely discretionary and the Standards Committee could agree to recommend to Council that there be no further appointments.
- 2.11. However, there are benefits to having independent voices on the Committee and it is therefore recommended that Standards Committee agree that the roles be combined so that the two people who are appointed as independent persons should also be co-opted to serve on the Standards Committee. This would enable the committee to fully benefit from the expertise and experience of those persons.
- 2.12. Standards Committee will need to take a view in due course as to whether it still requires a third co-opted member.
- 2.13. Part 3B of the Council's constitution states that:
- the term of office for non-voting co-opted members shall be three years
 - a maximum of two terms can be served consecutively
 - persons who have served as councillors or co-opted members within five years prior to the appointment date, or close friends or relatives of such persons, are not eligible to serve as co-opted members

3 ALTERNATIVE OPTIONS

- 3.1. The Council must appoint at least one independent person.
- 3.2. The composition of the interview panel is discretionary.
- 3.3. The appointment of co-opted members to Standards Committee is entirely discretionary.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. None

5 TIMETABLE

- 5.1. Advertisements will be placed in April 2015 with a closing date of 30 May. Shortlisting and interviewing will take place in June. Council will agree appointments at its meeting on 8 July.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. Independent persons and co-opted members of the Standards Committee are paid £100 per meeting. The recommendations in this report will not lead to any increase in the overall budget for allowances.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. See body of the report.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. None specific to this report.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None specific to this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. None specific to this report

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- none

12 BACKGROUND PAPERS

- 12.1. None

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