



**Body:** Council

**Date:** Wednesday 17 November 2010

**Subject:** Standards Committee – Appointment of a replacement Independent Member and renewal of the term of the current Independent Members

**Report of:** Monitoring Officer and Lawyer to the Council

**Ward(s)** All

**Purpose** To consider (a) the appointment of a new third Independent Person to the Standards Committee as recommended by the Selection Panel and (b) renewing the terms of office both of the existing Independent Chair of the Standards Committee and of the other independent member, this in line with Standards for England Guidance.

- Recommendation:**
- (1) That the Selection Panel's chosen candidate, to be reported at the meeting, be appointed as the third Independent Person to the Standards Committee and given appropriate training to fulfil his or her role.
  - (2) That the Selection Panel's recommended initial appointment period of 4 years (subject to the proviso that it may be terminated earlier if a change in the Standards regime requires it) be approved.
  - (3) That if confirmation of acceptance from the preferred candidate cannot be obtained prior to the meeting, the appointment be delegated to the Monitoring Officer in consultation with the Selection Panel.
  - (4) That the appropriate allowance payable under the Member Allowances Scheme for the duration of the appointment be noted.
  - (5) That the tenure of both the Independent Chair, John Vesely, and the second independent member, Trevor Elliott, be extended for a period of 4 years, subject to the above proviso and in accordance with current Standards for England Guidance.

**Contact:** Victoria Simpson, Monitoring Officer and Lawyer to the Council, Telephone 01323 415018 or internally on extension 5018. E-mail address: victoria.simpso@eastbourne.gov.uk

## **1.0 Background and introduction**

- 1.1 This authority has in place arrangements which ensure its compliance with the law insofar as the Council's Standards Committee is concerned.
- 1.2 At its meeting of 30th April 2008, full Council approved a change to the composition of the Standards Committee so as to increase the membership of the Committee to 9, this constituting 3 members from each of the two groups and a total of 3 independent members. The reason for this change was the alteration in the framework for dealing with member complaints. This required that Sub-Committees be created in order to assess - and where relevant, review - complaints received in: a function previously carried out by Standards for England (formerly the Standards Board).
- 1.3 Currently the Council's independent members are Mr. Trevor Elliott, who was appointed in 2008 and whose term of office is due to expire in January, 2012 and Mr. John Vesely, who was appointed following full Council in January, 2007 and whose term expires in January 2011. Mr Vesely also acts as Chair. A third independent member, Mr. Jaye Libeccio, ceased to serve as an independent member from 1st October, 2010. His departure left a vacancy which this recruitment process aims to fill.

## **2.0 Renewal of the term of the existing Independent Members of the Standards Committee**

- 2.1 Guidance from Standards for England has until now indicated that a period of 4 years is the optimum length of service for an independent member, this being long enough for them to gain an understanding of the Committee and the authority's workings but not so long that they could be perceived as losing their independence.
- 2.2 This advice was superseded in August 2010 by Bulletin 48 of Standards for England. The bulletin was issued in the wake of announcements by national Government to the effect that there will be radical changes in the standards framework. Although the full detail of those changes is not available at time of writing, Standards for England itself will be wound up although current indications are that this will not occur until the first part of 2012. Standards for England's view is that – given the current uncertainty regarding the future of the Standards regime – it is preferable to retain those independent members who are currently in post rather than to try to recruit and appoint new members at a critical juncture. The objective is to ensure that authorities enjoy the benefit of the experience which has been accumulated over time during the period of transition.
- 2.3 In view of the above, the recommendation is that John Vesley, the independent Chair who is nearing the end of his first 4 year term, be re-appointed for a period of time provisionally set at four years but with the proviso that his appointment may be terminated earlier if changes to the Standards regime require it. The recommendation is further that the term of the second existing independent member, Trevor Elliott, be extended at the same time for the same term and subject to the same proviso. If agreed, this will bring all three independent member appointments into line with one another.

### **3.0 Appointment of a third, new, Independent Person**

- 3.1 Since it became vacant, this post has been advertised in relevant places such as the Council's website and in the Friday Ad. A Selection Panel comprising independent and elected members of the Standards Committee and the Monitoring Officer will be interviewing short-listed candidates on 15th November, 2010.
- 3.2 The Selection Panel's chosen candidate will be notified to Council on 17th November, 2010 and authority will be sought to appoint that individual.
- 3.3 If the first preferred candidate chooses not to take up the post, then authority will be sought to appoint the second preferred candidate.

### **4.0 Consultation**

- 4.1 None.

### **5.0 Resource implications**

- 5.1 Financial

While there are costs associated with the allowances payable to the 3 independent members, a third member is necessary to ensure the effective working of the framework in its current form. There will furthermore be costs associated with the training that will need to be given to the new independent member to ensure that they are in a position to fulfil their role by participating effectively in the work of the Committee.

- 5.2 Staffing

### **6.0 Conclusion**

- 6.1 The extension of the term of appointment of the existing independent members, and the appointment of a new third independent member to the Standards Committee, are required in order to ensure the effective running of the authority's procedures in relation to standards matters and member complaints. The independent members have an important role in promoting and maintaining high standards of conduct by elected and co-opted members of the Council.

**Victoria Simpson**  
**Monitoring Officer and Lawyer to the Council**

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**Background Papers:**

The Background Papers used in compiling this report were as follows:

Standards for England bulletin 48

The Standards Committee (England) Regulations 2008

The Terms of Reference of the Standards Committee comprised in the EBC Constitution.

To inspect or obtain copies of background papers please refer to the contact officer listed above.

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