

COMMITTEE: STANDARDS
DATE: MONDAY 18 OCTOBER 2004
SUBJECT: RECRUITMENT OF SECOND INDEPENDENT PERSON
REPORT OF: MONITORING OFFICER AND ASSISTANT DIRECTOR,
STRATEGY AND DEMOCRACY

Ward(s): All

Purpose: To recommend arrangements for the appointment of a second Independent Person to the Standards Committee in accordance with the Relevant Authorities (Standards Committee) Regulations 2001.

Contact: Mark Reynard, Monitoring Officer, Telephone 01323 415011 or internally on extension 5011.

Katie Cullum, Member Development Manager, Telephone 01323 415031 or internally on extension 5031.

Recommendations: (1) That the recruitment of a second independent person be conducted by a Panel to be established as set out in paragraph 2.3 of the report

(2) That the Panel make recommendations to full Council in respect of the appointment of a second independent person of the Standards Committee.

(3) That the advertisement attached at appendix 1 be approved and the Monitoring Officer be authorised to advertise the appointment in a local newspaper.

(4) That the person specification and information pack for potential applicants attached at appendix 2 be approved.

1.0 Background

1.1 In November 2001 the Standards Committee was reconstituted to comply with Section 53 of the Local Government Act 2000 and the associated Regulations governing the size and membership of the Committee and how its business should be run. This involved the requirement to appoint an independent person as a Member of the Committee.

1.2 Our current Independent Member and Chairman, Mr A Hobden was appointed to the Committee on 25 September 2002 and became Chairman in 2003/04.

1.3 A Review of the Council's Constitution in March 2003 provided the opportunity to consider and review the make-up of the Committee. The Council at its meeting on 16 April 2003 approved a change to the composition and with effect from 2003/04 the membership of the Committee was increased to 6 members, 2 members from each group and 2 independent members.

2.0 Appointment of Second Independent Member

2.1 Under the Regulations the key requirements for the appointment of independent members are:

- Appointments must be approved by a majority of the full Council
- Advertisement in at least one local newspaper.
- Appointments can only be considered in response to formal applications.
- Applicants cannot have been a member or officer of the Authority within five years of the date of the appointment and cannot be a relative or close friend of a member or officer.

2.2 A draft advertisement, information pack and person specification for potential applicants are attached at appendices 1 & 2.

2.3 In accordance with the Council's Constitution a Selection Panel is required to conduct the recruitment exercise. It is proposed that the Panel of four comprise the Chairman of the Standards Committee, two elected members, one from each Group and the Monitoring Officer. It is also proposed that the shortlisting of candidates should be delegated to the Chairman and the Monitoring Officer. A recommendation in respect of the appointment will then be made to full Council.

2.4 The term of appointment is for the Council to decide and it is proposed that Council be recommended to approve the appointment initially until May 2005.

2.5 Training will be required to ensure that the new independent member can effectively participate in the work of the Committee. This need will be included within the Members Training and Development Programme currently under development.

3.0 Consultation

3.1 None specific to this report.

4.0 Financial Implications

4.1 The cost associated with the advertisement for a second independent person will be in the region of £600. This sum can be met within existing budgets.

4.2 Under the Member Allowances Scheme an allowance for the second independent member of the Standards Committee has been set at a daily rate of £128 with a maximum annual payment of £2,560, for the period to 31 March 2005.

5.0 Other Implications

5.1 None as a direct result of this report.

6.0 Conclusion

6.1 Standards Committees must ensure that they are seen as fair in upholding ethical standards in local government and independent members play an important role in safeguarding and emphasising its independence and integrity. The appointment of a second Independent Person, as previously agreed by the Council, reemphasizes the importance placed on impartiality and fairness

in the workings of the Standards Committee.

Mark Reynard
Monitoring Officer

Katie Cullum
Member Development Manager

Background Papers:

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

1. The Relevant Authorities (Standards Committee) Regulations 2001.
2. Local Government Act 2000
3. Standards Committee Report on Standards Committee Composition and Procedure dated 7 April 2003

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

kc/standards/reports/04.10.18

APPENDIX 1



COULD YOU BECOME THE SECOND INDEPENDENT MEMBER OF THE STANDARDS COMMITTEE?

The Standards Committee of the Council acts as a focus for promoting and maintaining high standards of conduct by elected and co-opted members of the Council.

For example the Committee:

- monitors the operation of the Members' Code of Conduct and;
- decides on a course of action in respect of failure by councillors to observe the Code.

The Committee is composed of four elected members and currently has one independent member. The Committee's first Independent Member was appointed in September 2002 and the Council is seeking applications from the public for the appointment of a second Independent Person.

The Independent Members have an important role to play in safeguarding and emphasising the integrity and independence of the Standards Committee. It is desirable that the second independent person:

- Has an awareness of and interest in issues affecting local government.
- Has previous experience of public service. For example, this could be as a school governor.
- Has knowledge of Eastbourne and the local community.

For an informal discussion about the role of the Independent Person please contact Mark Reynard, Head of Legal Services and Monitoring Officer, on 01323 415011. For an Information Pack, including the Person Specification, please contact Katie Cullum, Member Development Manager, on 01323 415031. The closing date for receipt of applications is X

**Appointment of
Independent Person**

Information Pack

Background

The Local Government Act 2000 required the Council to introduce new arrangements for overseeing the way in which it manages its affairs. This includes a Standards Committee.

The Committee's main role is the promotion and maintenance of high standards of conduct by elected and co-opted members of the Council.

The Committee is composed of four elected members and two independent members. Details of the composition and terms of reference are attached (Document 1).

The Committee's first Independent Member was appointed in September 2002 and as a result of the valuable contribution this appointment has made to the work of the Committee it was agreed that the composition be changed to enable the appointment of a second member.

The Standards Committee is likely to meet not less than 4 times a year.

Disqualifications, experience and qualities

The law states that the Independent Person cannot be:

- a) a person who has served as a member or officer of the Council within five years of the date of appointment; and
- b) a relative or close friend of an existing member or officer.

Subject to these requirements the Council will consider applications on the basis of the Person Specification. A copy of the Person Specification is also attached (Document 2).

Selection process

A Selection Panel of 2 elected Members and the Independent Chairman of the Standards Committee will consider all applications and shortlist suitable candidates for interview. Interviews are likely to take place during the week commencing X. Following interviews the Panel will make recommendations to the meeting of Full Council on X. Full Council must approve the appointment of the Independent Person.

Terms of appointment

The Independent Person is not an employee of the Council.

Full Council will decide the precise terms of the appointment but it is likely that the Panel will recommend an initial period until May 2005. The successful candidate will be given appropriate training to fulfil the role and participate effectively in the work of the Committee.

Under the Council's Members Allowances Scheme an allowance for the second independent member has been set at a daily rate of £128 with a maximum annual payment of £2,560.

Form of application and closing date

The closing date for the return of completed applications is X. You may apply in your own style showing the experience and qualities that you could bring to this important position. Please also provide details of two people who can comment on your suitability for the role of Independent Person.

Applications must be sent to:

Mark Reynard
Head of Legal Services and Monitoring Officer
Town Hall
Grove Road
Eastbourne
East Sussex BN21 4UG

Council Constitution – Part 2 - Articles

Article 9 – The Standards Committee

Standards Committee

The Full Council will establish a Standards Committee.

Composition

Membership. The Standards Committee will be composed of;

- Four Councillors comprising two members of the controlling group (who are not Cabinet Members) and two members of the largest opposition group.
- Two persons who are not Councillors or Officers of the Council or any other body having a Standards Committee (an Independent Member);

Independent Members. The Independent Members will be appointed in accordance with guidance issued and will be entitled to vote at meetings.

Chairing the Committee. One of the Independent Members shall chair the Committee.

Role and Function

The Standards Committee will have the following roles and functions:

- promoting and maintaining high standards of conduct by Councillors, co-opted Members and representatives on Outside Bodies;
- assisting the Councillors, co-opted Members and representatives on Outside Bodies to observe the Members' Code of Conduct;
- advising the Council on the adoption or revision of the Members' Code of Conduct;
- monitoring the operation of the Members' Code of Conduct;
- advising, training or arranging to train Councillors, co-opted Members and representatives on Outside Bodies on matters relating to the Members' Code of Conduct;
- granting dispensations to Councillors, co-opted Members and representatives on Outside Bodies from requirements relating to interests set out in the Members' Code of Conduct;

- dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer (an officer of the Standards Board for England) to the Monitoring Officer.

Council Constitution – Part 3 - Responsibility for Functions

Standards Committee

Terms of Reference:-

General

- (1) Promote and maintain high standards of conduct by Councillors and co-opted Members of the Council.
- (2) Assist Councillors and co-opted Members of the Council to observe the Authority's Code of Conduct and protocol rules.

Monitoring

- (3) Monitor the operation of the Council's code of conduct and protocol rules.

Training

- (4) Train or arrange to train Councillors and co-opted Members of the Council on matters relating to the Council's Code of Conduct and protocol rules.

Special reports

- (5) Consider and make recommendations to Full Council where necessary in respect of:
 - (a) The adoption or revision of the Council's Code of Conduct and protocol rules.
 - (b) Any matters arising from the Committee's functions in paragraphs 1 – 5 above.
- (6) The Standards Committee has delegated authority on behalf of the Council to:
 - (a) make a finding of misconduct in cases of alleged misconduct against members in respect of the codes and protocols set out in part 5 of the Constitution; and
 - (b) on a finding of misconduct, to implement any of the sanctions set out in paragraph 7 of the Procedures for Handling Complaints of Misconduct Against Councillors set out in part 5

of the Constitution.

Person specification

Essential

- (1) Displays high standards of personal conduct.
- (2) Is committed to ensuring the highest standards of conduct by elected members and co-opted members of the Council.
- (3) Is impartial and able to secure the confidence of the public.
- (4) Promotes tolerance and respect between fellow citizens.
- (5) Has the ability:
 - to undertake investigations in an open and fair manner with a view to uncovering all of the facts and issues;
 - to analyse complex information and often conflicting allegations;
 - to form judgements based on the facts;
 - to apply the Code of Conduct to the facts in a fair and consistent manner; and
 - to communicate clearly and effectively.

Desirable

- Has an awareness of and interest in issues affecting local government.
- Has previous experience of public service. For example, this could be as a school governor.
- Has knowledge of Eastbourne and the local community.