

Item 9.2 – Item referred from the Standards Committee

Committee: STANDARDS **Agenda Item**
Date: 13 October 2014 **9.2**
Title: INDEPENDENT MEMBERS
Author: Michael Perry, Assistant Chief Executive Item for decision
Legal, 01799 510416

Summary

1. This report is to inform members of the resignation of one of the independent members from the Standards Committee.

Recommendations

2. That:
 - (a) Members consider the job description and Person Specification for Independent Persons and determine whether to recommend any changes thereto.
 - (b) Members recommend to Full Council that a sub-committee of the Council be appointed for the purpose of recruiting new independent persons, to include one of the independent persons of the Standards Committee.
 - (c) That members recommend appointing two independent persons as soon as possible.

Financial Implications

3. There is no budget for the Standards Committee. However, it will be possible to fund the necessary costs by a virement from Legal Services budget.

Background Papers

4. Job description and person specification for the role of independent person (attached).

Impact

- 5.

Communication/Consultation	None
Community Safety	None

Equalities	None
Health and Safety	None
Human Rights/Legal Implications	As set out in the body of this report.
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

6. Under the Localism Act 2011 councils have a duty to promote high standards of conduct on the part of its members. There is no requirement under the Act for a council to appoint a Standards Committee but in practice the vast majority of councils have done so.
7. The Act also requires that there should be at least one independent person appointed. The statutory functions of the independent person are to give their views to a council before it makes a decision on an allegation that it has decided to investigate and whose views may be sought by the council in relation to an allegation which it has decided not to investigate or by a member who is the subject of a complaint. The latter role extends to parish councillors whose parishes are within the district.
8. In practice Uttlesford has placed greater weight on the role of the independent person than that required by statute. The council has appointed three independent persons and when an allegation of a breach of the Code is received they are allocated to the functions of:
 - (a) Working with the Monitoring Officer in determining whether or not the investigation should be investigated.
 - (b) Being available to give their views to the subject member, and
 - (c) Being available to give their views to the committee if a hearing is required.

The independent persons fulfil these roles in rotation.
9. The independent persons are also non-voting members of the Standards Committee and attend on a regular basis assisting the Standards Committee in formulation of policy.
10. Due to relocation to a different part of the country, one of the independent persons has resigned. This gives rise to an immediate vacancy. Whilst it would be possible to continue to work with only two independent persons,

difficulties may arise if one of those persons had a conflict of interest with regard to any complaint which has been received.

11. With regard to the remaining two independent persons I am pleased to say that one has indicated that she is prepared to accept re-appointment. However, the other had indicated that he intends to stand down after the elections in May 2015.

12. When appointing independent persons after the adoption of the new Code of Conduct the council received a large number of applications from high quality applicants. However, the process of advertising the post, short-listing and interviewing is time-consuming. I therefore consider it prudent that if members agree that a new independent person should be recruited as soon as possible then it would be appropriate to appoint two candidates. This will enable both to obtain experience of being an independent person prior to the departure of one of the remaining two in May 2015.

Risk Analysis

13.

Risk	Likelihood	Impact	Mitigating actions
The council fails to appoint independent persons.	1, past experience is that it should not be difficult to attract suitable candidates.	3, the council have difficulty performing its functions with regard to standards under the Localism Act.	Council go out to advertisement and appoint as soon as possible bearing in mind that there may well be other authorities advertising for independent persons in May 2015.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

JOB DESCRIPTION

For Independent Members of the Standards Committee

Main Role

1. To give the Council advice on adopting a local Code of Conduct.
2. To monitor the effectiveness of the Code.
3. To train Members on the Code or to arrange for such training.
4. To promote and maintain high standards of conduct for Members.
5. To help Members to follow the Code of Conduct.
6. To receive and consider appeals from decisions of the Monitoring Officer on requests for dispensations from compliance with the Code.
7. To attend meetings of the Standards Committee on a regular basis.
8. To assist the Monitoring Officer to determine whether allegations of a breach of the Code of Conduct should be investigated
9. To participate in hearings to consider allegations of a breach of the Code of Conduct.
10. To be available to give their views to Members of the District Council and Members of Town and Parish Councils within the district who are the subject of allegations that they may have breached the Code of Conduct.
11. To undertake the above referred to functions with regard to Town and Parish Councils within the District.

PERSON SPECIFICATION

For independent members of the Standards Committee

Essential Requirements

A person may be an independent representative on a Standards Committee only if he or she:

1. has not been a Member, co-opted member or employee of the Council or of any town or parish council in the district within the five years immediately before the date of appointment.
2. is not a Member, co-opted member or Officer of any town or parish council within the district nor a relative or close friend of any such person.
4. is able to make objective judgements concerning allegations of misconduct against Council Members.
5. has a positive commitment to high standards of conduct in local government and to assist Council Members to work within the ethical framework.

Desirable Criteria

1. Familiarity with ethical dilemmas.
2. Experience of Committee work.
3. Questioning skills.
4. An assertive nature
5. Not a member of any political party.
6. Experience of working in an advisory capacity.
7. Experience of working in a regulatory capacity or within such a framework.