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<b>REPORT TO:</b>	<b>COUNCIL</b>	<b>AGENDA ITEM:</b>
<b>DATE OF MEETING:</b>	<b>26TH FEBRUARY 2009</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>ANDREA McCASKIE MONITORING OFFICER AND HEAD OF LEGAL &amp; DEMOCRATIC SERVICES (EXT. 5831)</b>	<b>DOC:</b> U:\JAYNE\Committee\COMMREP\ Independent Members.doc
<b>SUBJECT:</b>	<b>APPOINTMENTS – INDEPENDENT MEMBERS OF THE STANDARDS COMMITTEE</b>	<b>REF: AGM/JB</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	

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## **1.0 Recommendations**

- 1.1 To agree to appoint three replacement Independent Members to the Council's Standards Committee.
- 1.2 To agree the advertisement, overview of role and person specification for the appointment of three replacement Independent Members, as set out in the appendices to this report.
- 1.3 To delegate to the Chief Executive the power to shortlist and interview applicants for the 3 positions of Independent Members to the Standards Committee.
- 1.4 To bring a further report to Council recommending the appointment of three Independent Members to the Council's Standards Committee.
- 1.5 To agree to accept applications from the existing Independent Members of the Standards Committee.

## **2.0 Purpose of Report**

- 2.1 The Local Government Act 2000 required South Derbyshire District Council to establish a Standards Committee with at least 25% of Members being Independent Members. South Derbyshire District Council's Standards Committee is composed currently of 11 Members:
  - (a) 3 Councillors, including the Chairman of the Council, being two Members from the majority party and one Member from the minority party (District Council Members).

- (b) 5 people who are not Councillors or Officers of the Council or on any other body having a Standards Committee, one of which will be the Chairman of the Committee (Independent Members).
  - (c) 3 Members of Parish Councils wholly or mainly in the Council's District (Parish Members).
- 2.2 On 21st June 2005, Full Council appointed 3 Independent Members to the Council's Standards Committee for a period of 4 years.
- 2.3 The Independent Members' terms of office will end on 21st June 2009. It is, therefore, necessary to advertise in at least one or more newspapers circulating in the area of the Authority for 3 Independent Members to sit on the Standards Committee.
- 2.4 The proposed advertisement, overview of role and person specification are attached at **Annexes 'A' to 'C'** respectively.
- 2.5 It is proposed that the Chief Executive be authorised to carry out the shortlisting and undertake interviews with those applicants who meet both the legal eligibility criteria and the essential skills, knowledge and experience that will be assessed from their applications, as identified in the person specification.
- 2.6 The shortlisting and interview panel will comprise of the Chief Executive, Head of Legal & Democratic Services and Head of Organisational Development. Although the successful candidates will not become employees of the Council, it is considered best practice for the advertisement, shortlisting and interviews of candidates to be completed in line with the Council's Recruitment and Selection Procedure and Equal Opportunities Policy.
- 2.7 Following the interview, a provisional offer to the successful candidates will be made, explaining that the offer is subject to approval by Full Council.
- 2.8 A further report will then be brought to Full Council, providing details of the provisional successful candidates. At this stage, Members will be able to raise any objections to the decision-taking. If no objections are raised or the Chief Executive considers that they are not material or well founded, the appointments will be confirmed. If an objection is considered to be material and well founded, then this will be discussed further with the interview panel and a decision will be taken on whether the appointment can continue.
- 2.9 It is a legal requirement that a person may not be appointed as an Independent Member of a Standards Committee unless the appointment is:
  - (a) approved by a majority of the Members of the Authority;
  - (b) advertised in one or more newspapers circulating in the area of the Authority;
  - (c) of a person who has submitted an application to the Authority;

- (d) of a person who has not, within the period of 5 years immediately preceding the date of the appointment, been a Member or Officer of the Authority; and
- (e) of a person who is not a relative or close friend of a Member or Officer of the Authority

- 2.10 The Standards Board for England in guidance on the 'Role and Make Up of the Standards Committee' states "*When recruiting an Independent Member, you should bear in mind that we recommend that Independent Members should serve no longer than 2 terms, which is a maximum of 8 years*". On further enquiry from the Standards Board via the Monitoring Officers' Legal Advice Helpline, it was confirmed that the reason for the guidance was to ensure that Independent Members did not become embedded in the organisation and lose their independent status.
- 2.11 Members will be aware that until the Standards Committee took over responsibility from the Standards Board for England in May 2008 for the assessment of alleged breaches of the Code of Conduct, our Committee and its Members had very little direct involvement in the workings of the Council.
- 2.12 In order to ensure continuity and that the Authority does not lose the experience gained to date, it is proposed that the two existing Members who have served two terms will be considered for appointment if they submit an application form.
- 2.13 It is suggested that, in order that we can stagger appointment of Independent Members, that we introduce terms of office of 2, 3 and 4 years. This will ensure that the Authority does not lose three experienced Independent Members at one time, which could seriously weaken the Committee, in light of the level of activity it has experienced since complaints have been dealt with locally.

### **3.0 Financial Implications**

- 3.1 The successful candidates would be entitled to reimbursement of a Travel Allowance and Dependant/Childcare Allowance in appropriate cases.
- 3.2 Full Council accepted the recommendation of the Independent Remuneration Panel that a Special Responsibility Allowance was paid to the Chairman of the Standards Committee, who must be an Independent Member, which is currently £2,286 for the period 2008/09.
- 3.3 There is also a Co-optee Allowance of £294 for the period 2008/09 in recognition of the important and responsible role played by co-opted Members, which includes those Independent Members who are not appointed as Chairman of the Standards Committee.

### **4.0 Corporate Implications**

- 4.1 It is a statutory requirement to establish a Standards Committee. Where the Standards Committee has more than 3 Members, at least 25% must be Independent Members. A meeting of the Standards Committee is not quorate unless at least 3 Members (including at least 2 Independent Members) of that Committee are present for its duration.

## **5.0    Community Implications**

- 5.1    The Council's Standards Committee plays a vital role in promoting and maintaining the highest standards of conduct by Councillors of South Derbyshire District Council and all the Parishes in its area.

## **6.0    Background Papers**

- 6.1    None