

Subject: *Appointment of Independent Members*
Date of Meeting: **14 September 2010**
Report of: *Monitoring Officer*
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Wards Affected: All

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report sets out the requirements regarding the appointment of Independent Members and a timetable for the recruitment of two new independent members.

2. RECOMMENDATIONS:

- 2.1 That the report be noted.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 According to the council's constitution, the membership of the Standards Committee comprises six members of the Council, plus two representatives from Rottingdean Parish Council and 4 independent members who are not members of the Council. For some time the Committee has been operating with only three independent members, but the recent resignation of Helen Scott with effect from 30 September has caused a review of that position.
- 3.2 Independent Members are important in helping to increase public confidence in local government. They provide a clear signal that standards committees act fairly and impartially. They also bring with them a wider perspective from their outside experiences. They are an essential part of the Local Assessment of Complaints in that each Assessment, Review and Hearing Panel must include at least one independent member. It is clear that Helen needs to be replaced, and the opportunity is therefore being taken to appoint a fourth independent member.
- 3.3 The Relevant Authorities (Standards Committees) Regulations 2001 ("the 2001 Regulations") regulate the appointment of independent persons. They provide that Independent Members cannot be appointed unless the appointment: -
- i) is approved by a majority of the full members of the Authority
 - ii) is advertised in one or more local newspapers
 - iii) is of a person who has submitted an application to the Authority

- iv) is of a person who has not within the period of 5 years immediately preceding the date of appointment been a member or officer of the authority
- v) is of a person who is not a relative or close friend of a member or officer of the authority (Relative and Partner are defined in Regulation 2 of the 2001 regulations).

3.4 Apart from the notice in a local newspaper advertising the position, Standards for England (SfE) advises that an authority may wish to consider additional methods of attracting candidates. These could include:-

- i) Placing articles in the local press about the role of the independent member;
- ii) Placing advertisements on the authority's website or local radio station;
- iii) Placing flyers in libraries, adult learning centres, or places of worship;
- iv) Advertising through other authorities' partnerships or through the local voluntary or community sector;
- v) Approaching a citizens' panel;
- vi) The personal approach – eg contacting neighbouring authorities which may have more suitable candidates than they can appoint;
- vii) Approaching a person who is an independent member of a standards committee of a different authority.

3.5 The current appointments will be advertised in the Evening Argus on 9 September with a closing date of 17 September 2010. The advertisement has been sent to the Brighton & Hove Community and Voluntary Sector Forum and appears on the website of both the Brighton Chamber of Commerce and the Council. Although there is no requirement for interviews, they will be conducted by a Panel comprising the Chairman of the Standards Committee, two elected Members from the Committee and the Monitoring Officer. The Panel's recommendations will be reported to full Council at its meeting on 21 October for the appointments to be approved by a majority of the full members of the Council

Terms of appointment

3.6 In its Local Standards Framework guide, SfE advises that it is for an authority to decide how to select independent members and how long they should sit on a Panel. It recommends a fixed period of 4 years, being long enough for the member to gain an understanding of the panel, the authority and its workings, but not so long that they could be perceived as losing their independence. Existing independent members can be re-appointed, but SfE recommends that independent members should serve no more than two terms – which is a maximum of eight years. It is proposed that the current appointments be for a 4-year term.

3.7 Although the Council is legally entitled to pay an allowance to independent members of the Standards Committee, its current scheme of Members' Allowances only makes provision for payment of a co-optees allowance to the independent Chair and Deputy Chair if one is appointed. The new independent

members will therefore not be eligible for an allowance, although they will be eligible for Travel & Subsistence, Childcare and Dependant Carer's' Allowances

4. CONSULTATION:

- 4.1 Dr Wilkinson and the Monitoring Officer have been consulted on the arrangements for the appointment of new independent members.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The costs associated with the appointment of two Independent Members and the ongoing allowances can be met from existing budgets.

Finance Officer consulted: Anne Silley

Date: 23 August 2010

Legal Implications:

- 5.2 These are addressed in the body of the report.

Lawyer consulted: Liz Woodley

Date: 24 August 2010

Equalities Implications:

- 5.3 There are no direct equalities implications arising from the report.

Sustainability Implications:

- 5.4 There are no sustainability implications arising from this report.

Crime & Disorder Implications:

- 5.5 There are no crime and disorder implications arising from this report.

Risk and Opportunity Management Implications:

- 5.6 There are no risk or opportunity management implications arising from this report.

Corporate / Citywide Implications:

- 5.7 There are no corporate/citywide implications arising from this report.

SUPPORTING DOCUMENTATION

Appendices:

None.

Background Documents:

None.

Documents In Members' Rooms:

None.