

# Item 6

## **REPORT TO STANDARDS COMMITTEE**

**5<sup>th</sup> April 2007**

## **REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER**

### **PROCEDURE FOR APPOINTMENT OF INDEPENDENT MEMBERS**

#### **1. SUMMARY**

- 1.1 This report outlines the arrangements for the appointment of two independent members to the Standards Committee for the municipal year commencing May 2007. These vacancies have occurred due to the term of office for the current independent members expiring and therefore appointment is to be made before the May elections.

#### **2. RECOMMENDATIONS**

- 2.1 That the Standards Committee consider and agree the recruitment process for two independent members as set out in the report; that one Member be nominated to sit on the interview panel as an observer.
- 2.2 That the committee agrees the documentation on the role of the independent member and the criteria for the appointment process (See appendix 1-5).
- 2.3 That the Council receive recommendations for appointment at the Annual General Meeting to be held on 18<sup>th</sup> May 2007.

#### **3. DETAIL**

- 3.1 Each local authority is required by law to have a Standards Committee as part of the constitutional framework aimed at emphasising the need for elected or appointed members of these authorities to carry out their public duties with the highest degree of integrity. By law, at least 25% of membership of the Standards Committee must consist of people who are not members of the authority.

- 3.2 Independent members are required to attend regularly and participate in meetings of the Standards Committee and any sub-committees, develop and apply knowledge of the Code of Conduct in relation to matters brought before the Standards Committee, including the determination of allegations of member misconduct, and analyse and exercise fair and impartial judgement on conduct issues and to set standards of ethical behaviour. Further information on the role of the independent member is set out in Appendix 3.
- 3.3 The two current members of the Standards Committee, Lawrence Petterson and Ian Jamieson were appointed in 2002, each for a term of four years and due to the expiration of this term, reappointments need to be made. The recruitment process will require an advertisement to be placed in a local newspaper and interested applicants can then obtain an information pack and application form from Legal Services.
- 3.4 The advertisement, as attached at Appendix 5 outlines the role of the Standards Committee and eligibility for appointment. The information pack contains a job description, person specification, role description and notes on eligibility. The closing date for applications will be 6<sup>th</sup> April 2007.
- 3.5 The arrangements for interview of suitable candidates will be arranged by the Council's Monitoring Officer. It is recommended that one Member of the Committee form part of the interview panel. The Monitoring Officer will make recommendations to the Council AGM in May as to the appointments to be made.

#### **4. RESOURCE IMPLICATIONS**

- 4.1 Resource implications flow from the advertisement expenses, which are necessary in order to appoint an independent member.

#### **5. CONSULTATIONS**

- 5.1 This report was considered by the Council's Management Team on 12<sup>th</sup> March 2007.

#### **6. OTHER MATERIAL CONSIDERATIONS**

- 6.1 All material considerations have been taken into account in the contents of this report. In particular, risks may arise unless Members of the Council are fully apprised on standards matters.

**7. OVERVIEW AND SCRUTINY IMPLICATIONS**

7.1 None apply.

**8. LIST OF APPENDICES**

8.1 Appendix 1 – Job Description

8.2 Appendix 2 – Person Specification

8.3 Appendix 3 – Role Description

8.4 Appendix 4 – Notes on Eligibility

8.5 Appendix 5 – Advertisement

**Contact Officer:** Dennis A. Hall/Laura Starrs  
**Telephone Number:** 01388 816166, Ext. 4268  
**E-mail address:** dahall@sedgefield.gov.uk

**Wards:** N/A

**Key Decision Validation:** N/A

**Background Papers**

**Examination by Statutory Officers**

	<b>Yes</b>	<b>Not Applicable</b>
1. The report has been examined by the Council's Head of the Paid Service or his representative	<input type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative	<input type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input type="checkbox"/>	<input type="checkbox"/>

**SEDGEFIELD BOROUGH COUNCIL**

**JOB DESCRIPTION**

<b>POST:</b>	<b>Independent Member Standards Committee</b>
<b>GRADE:</b>	<b>Not applicable (on attendance/will be payable expenses)</b>
<b>RESPONSIBLE TO:</b>	<b>The Standards Committee and the Council</b>
<b>JOB PURPOSE:</b>	<b>Independent Member of Standards Committee</b>

**PRINCIPAL REQUIREMENTS/DUTIES**

- To act as an Independent Member of the Committee.
- To make a contribution on standards and ethics.
- To participate in committee meetings and training events.
- To work actively and constructively with elected members to ensure the development of effective strategies and policies that sustain the overall objectives of the Council on standards and ethical issues and adherence to the Code of Conduct.

**Appendix 2**

**INDEPENDENT MEMBER OF STANDARDS COMMITTEE  
PERSON SPECIFICATION**

	Essential	Desirable
<b>Qualifications:</b> <ul style="list-style-type: none"> <li>• Evidence of a good secondary education, e.g. at least 5 GCSEs</li> </ul>	✓	
<b>Knowledge and Skills:</b> <ul style="list-style-type: none"> <li>• A good communicator with questioning skills</li> <li>• Assertive</li> <li>• Inquisitive, open-minded and non-judgemental</li> <li>• Perception of the potential contribution of Independent Members appointed to the Committee</li> <li>• Understanding of the Standards Committee's main functions</li> <li>• General understanding of the principles behind the Members' Code of Conduct</li> <li>• Awareness of the background to the introduction of the new ethical framework for local government</li> </ul>	✓ ✓ ✓  ✓  ✓	   ✓   ✓
<b>Experience:</b> <ul style="list-style-type: none"> <li>• Previous experience of serving upon a local authority Standards Committee</li> <li>• A demonstrable interest in local issues</li> <li>• Experience in committee working/weighing evidence and dealing with ethical issues</li> <li>• An interest in public service and local government in particular</li> <li>• Live and/or work in the area</li> </ul>	    ✓ ✓	 ✓ ✓  ✓

Other requirements:

- To formally agree to observe the Local Code of Conduct for Members including completing a Declaration of Financial and Other Interests. This register is available to be viewed by members of the public on request.
- Able to attend approximately four/five programmed meetings and ad hoc if required, and devote preparation time for each meeting.
- Must not be disqualified from standing for election as a councillor, ie been adjudged bankrupt or been sentenced to a term of imprisonment for a period of not less than three months in the past five years.
- Must not currently have and must not enter into any contractual relations with the council under which he/she will gain personally.
- Will have disclosed to the council any matter in his/her background which, if it became public, might cause the council to reconsider the appointment.
- Will not be an active member of any political party or have a public profile in relation to political activities.
- Will not have been an officer or a member of a principal council (ie a county, district or unitary council) within five years of the date of his/her written application.
- Committed to the (four) year term of office.

**INDEPENDENT MEMBER OF STANDARDS COMMITTEE**  
**ROLE DESCRIPTION**

**Responsible to:** The Standards Committee and to the Council

**Liaison with:** Members of the Standards Committee, Officers and Members of the Council and of the Town and Parish Councils, Independent Members of the other Standards Committees, key stakeholders within the community.

1. To attend regularly and participate in meetings of the Standards Committee and any sub-committees (NOTE: meetings will normally be held during the daytime but may be held during the early evening and may occasionally be called at short notice).
2. To participate in and/or chair hearings in relation to complaints of member misconduct under the Code of Conduct.
3. To actively promote ethics and standards within the Council and within Town and Parish Councils within the area.
4. To develop and apply knowledge of the Code of Conduct in relation to matters brought before the Standards Committee, including the determination of allegations of member misconduct.
5. To analyse and exercise fair and impartial judgement on conduct issues and to set standards of ethical behaviour.
6. To provide a view on the governance of the Council from an external perspective which will better enable the Committee to advise the Council on conduct issues.
7. To develop a sound understanding of the ethical and wider regulatory framework within which the Council operates and to contribute to the overall effectiveness of the full scope of the work of the Committee.
8. To be aware of the views of the local community on ethical standards and to reflect these in the activities of the Committee
9. Be prepared to undertake training and to participate in training events organised by the committee to promote awareness of the Code of Conduct.
10. To attend meetings of the Council and civic and other functions in order to raise the profile of ethics and standards within the authority



11. In the absence of the Chairman, to participate in any forum established for independent Members of the Standards Committee.

**INDEPENDENT MEMBERS OF STANDARDS COMMITTEE  
NOTES ON ELIGIBILITY**

**By regulations: -**

A person may not be appointed as an independent member of a Standards Committee of an authority or sub-committee of the 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 five years immediately preceding the date of the appointment been a Member or Officer of the authority and;
- (d) of a person who is not a relative or close friend of a Member or Officer of the authority.

[The Relevant Authorities (Standards Committee) Regulations 2001: Statutory Instrument 2001 No. 2812]

**By primary legislation: -**

A person may not be appointed as an independent member of a Standards Committee if he/she is currently an Officer or Member of any relevant authority (including Town, Parish or District Councils).

[The Local Government Act 2000 Section 53 (4) (b)]

**STANDARDS COMMITTEE (2 Vacancies)**  
Sedgefield Borough Council

Sedgefield Borough Council is seeking to appoint Members of the Council's Standards Committee. The vacancies are for 2 Independent Members.

The Standards Committee oversees ethical standards in the conduct of Council business, its main role and function is to promote and maintain high standards in public office through the Members' Code of Conduct and to advise generally in the implementation of the ethical standards framework as applied to local government. It also has a role in determining complaints of breach of the Code of Conduct, under procedures admitted by the Standards Board for England. The Committee comprises five Borough Councillors, one Parish Council representative and two independent members drawn from the community, one of whom is the chairman.

**Not eligible:** Persons who have been within the last five years Members or Officers of the Council, Parish or Town Council, or are closely related to or are close personal friends of such a Member or Officer.

Applications are particularly welcomed from those with experience in either the legal, commercial, professional, public or voluntary sectors.

Full training will be given to independent members and they will receive assistance with travelling and subsistence expenses for attendance at meetings.

To discuss the proposed duties of an independent member in more detail contact: *Dennis A. Hall, Monitoring Officer on 01388 816166, ext 4268.*

An information pack and application form can be obtained from **Laura Starrs, Legal Services, Council Offices, Spennymoor, County Durham, DL16 6JQ, 01388 816166, ext. 4243.**

Completed application forms indicating which vacancy you are applying for should be returned on or before 6<sup>th</sup> April 2007.

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