

STANDARDS COMMITTEE	AGENDA ITEM No. 5
17 MARCH 2010	PUBLIC REPORT

Monitoring Officer	<i>Helen Edwards Solicitor to the Council</i>	Tel. 452539
Report author	<i>Kim Sawyer Head of Legal Services and Deputy Monitoring Officer</i>	Tel: 452361

ROLE OF THE INDEPENDENT MEMBERS

<p>R E C O M M E N D A T I O N S</p> <p>1. That the Committee consider recommendations to annual Council regarding</p> <ul style="list-style-type: none"> • the nomination for the Chair of the Standards Committee for the coming civic year • extending the maximum permitted term of office for independent members to three consecutive terms <p>2. That the Committee receive a further report on the terms of reference of the Standards Committee and its sub-committees at its next meeting.</p>

1. CONTENTS OF REPORT

- 1.1 This report examines the role of independent members of the Standards Committee and considers the position of the Chair of the Committee and the Sub-Committees. In particular it looks at
- Indemnity
 - Term of office
 - Recruitment procedures
 - Chairing Committees and Sub-Committees

2. BACKGROUND

Independent members are members of standards committees with no link to the authority they are overseeing. They are important in helping increase public confidence in the local standards framework.

A person can only be an independent member if they:

- have not been a member or employee of the authority for the previous five years, or
- are not a member or officer of that or any other relevant authority, or
- are not a relative or close friend of a member or employee of your authority.

Recruitment of independent members has to be by an application and interview process and the appointment has to be approved by a majority of the members of the council. At Peterborough City Council the Selection Panel interview applicants for the independent roles and make recommendations to full Council for appointment.

•3 INDEPENDENT MEMBERS

3.1 *Indemnity:*

Members and officer have a statutory indemnity for any personal liability they may incur whilst carrying out the business of the authority. Section 265 of the Public Health Act 1875 states that *“No matter or thing done...by any member...of by any officer of such authority or other person whomsoever acting under the direction of the authority shall if the matter or thing were done ...bona fide... subject them or any of them personally to any action liability claim or demand whatsoever....”*

There are a number of other minor statutes which offer similar protection relating to specific functions of the Council.

The Council’s Insurance Officer has confirmed that the policy currently held offers an indemnity for independent members, who are co-opted members of the Council.

Despite the indemnity provisions, members of local authorities including independent members who authorise unlawful, or malicious acts may incur personal liability. They could also be personally liable if they act fraudulently.

3.2 *Term of Office:*

It is for each authority to decide how long an independent member should sit on the Committee. This period of time should be long enough for them to gain an understanding of the committee, the authority and its workings, but not so long that independence is lost. Standards for England recommend independent members should serve no longer than two four year terms, but this is at the discretion of each authority.

Independent members cannot be automatically reappointed at the end of their term and must go through a recruitment process.

Peterborough City Council has 5 independent members who have served the following terms of office

Name of member	Date of appointment	Date for re-appointment	Length of service (including prior appointment)
Stephen Boast	29 January 2007	29 January 2011	10 years
David Whiles	29 January 2007	29 January 2011	9 years
Orlando Menendez	13 December 2006	13 December 2010	3 years
Breanda Fearon	11 April 2007	11 April 2011	Under 3 years
Anne Smith	11 April 2007	11 April 2011	Under 3 years

This table demonstrates that the recruitment process for all independent members will have to begin in October or November of this year and be completed for April 2011. In addition, two of those members have been employed in the position of independent member in excess of the 2 consecutive four year terms recommended by the Standards for England guidance.

The Standards Committee may wish to debate whether it should consider a recommendation to Council to extend the period permitted for appointment of independent members for a further 4 year term should those members affected wish to make an application for re-appointment to the Committee. The guidance regarding a maximum two terms is indicative only and it is at the authority’s discretion what maximum period it allows

for appointment of any one member. The purpose of the guidance is to ensure that independent members retain their independence of the Councillors in order to preserve the integrity of the Committee. The Standards Committee may consider that this independence can be retained beyond the two terms advised upon.

3.3 *Recruitment procedures:*

Standards for England guidance suggests that Standards Committees may want to take some part in recruitment of independent and parish members. Members of the Committee are invited to consider the role of the Selection Committee at present and whether they would like to be involved in the selection process for future independent and/or parish members. Members of this Committee may wish to vet all advertisements for new independent or parish members and it may wish to be part of the Selection Committee for the interview of potential candidates. This process would be subject to approval by the Council.

3.4 *Chairing Committees and Sub-Committees:*

It became a statutory requirement following amendments made by the Local Government and Public Involvement in Health Act 2007 that all meetings of the Standards Committee and its Sub-Committees are chaired by an independent member of the Council.

The standing orders however set out that the appointment of Committee Chairs will be undertaken by the Council. There is nothing within the Standards Committee's terms of reference which permits it to appoint its own Chair.

The Standards Committee may however wish to consider voting upon the appointment of the Chair for the Committee for the coming civic year and its recommendation for Chair can then be proposed to the annual Council meeting. As this is the last meeting of the Standards Committee prior to the annual Council members will have to consider whether to vote on this issue at this meeting.

Chairs for the Sub-Committee meetings are usually appointed according to who is available for the meeting. It is not proposed to make any adjustments to this current practice as Sub-Committee meetings are held to comply with the process for dealing with complaints of breach of the code of conduct.

4. CONSULTATION

- 4.1 A copy of this report is sent to each parish council and they are invited to comment upon the contents. Any response from the parishes will be verbally reported to the Committee.

5. BACKGROUND DOCUMENTS

Standards for England guidance on Standards Committees

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