COUNTY COUNCIL

Meeting date: 16 November 2017

From: Monitoring Officer – Senior Manager for Legal and Democratic Services

APPOINTMENT OF INDEPENDENT MEMBERS TO THE STANDARDS COMMITTEE

PART A - RECOMMENDATION OF CABINET

This report is not required to go to Cabinet and is a decision for Council.

PART B – ADVICE OF CORPORATE DIRECTOR

1.0 EXECUTIVE SUMMARY

1.1 There are currently two vacancies for independent members on the Standards Committee, the current post-holders terms of office having come to an end on 15 November 2017. Appointments need to be made to fill those vacancies to meet the requirements for two independent members set out in the Constitution.

2.0 STRATEGIC PLANNING AND EQUALITY IMPLICATIONS

2.1 The proposals contribute to the delivery of the Council Plan objective to be a modern and efficient council, as the Standards Committee is an integral part of promoting and maintaining the high standards of member conduct.

2.2 There are no specific equality implications associated with the proposals.

3.0 RECOMMENDATION

3.1 To agree that Stephen Sim be appointed as independent member to the Standards Committee until 15 November 2021.

3.2 To agree that Stephen Sim be appointed as Chair of the Standards Committee until 15 November 2021.
4.0 **BACKGROUND**

4.1 The Localism Act 2011 removed the statutory requirement to have a Standards Committee. Instead, it placed a duty on the Council to have in place ‘arrangements under which allegations can be investigated, and arrangements under which decisions on allegations can be made.’

4.2 In order to fulfil that duty, in 2012, the Council agreed that a Standards Committee should be maintained with specific terms of reference. The terms of reference agreed required the Standards Committee to be constituted with five members and two independent members. It was also agreed that those two independent members ought to be chair and vice-chair of the meeting.

4.3 The Council’s adoption of a Standards Committee and the terms of reference for it were reviewed in 2015 by the Constitutional Review Group. Council, on the recommendation of that group, then approved amended terms of reference which meant that the Standards Committee would meet for its annual meeting, along with ad hoc meetings as required to perform its role of investigating member complaints and issuing dispensations. The need for two independent members was maintained.

4.4 The current appointments of both Mr Fryer and Mr Sim as the independent members have just come to an end, having been extended by one year by Council.

4.5 A recruitment process has been held with the vacancies being advertised on the Council’s website, in the local press throughout Cumbria and through direct contact with existing independent panel members.

4.6 A panel of members was set up to consider the applications, with a view to making recommendations to the Council for appointments. The Panel comprised Mr I Stewart, Mr K Hamilton and Mr L Fisher. The Panel was supported throughout the process by the Monitoring Officer and Deputy Monitoring Officer.

4.7 Following consideration of application forms, for candidates who had not already been interviewed to decide their suitability to sit as independent members, an interview was held on 27 October 2017. An application was received from the previous Vice Chair of the Committee, Mr Stephen Sim. A further interview for this candidate was not considered necessary.

4.8 Following interview the Monitoring Officer and members of the Council recommended that Stephen Sim be appointed as an independent member to the Standards Committee and for the vacant position of independent member to be re-advertised as the view of the panel was that there were no other suitable candidates.

5.0 **OPTIONS**

5.1 Council can agree to appoint Stephen Sim and re-advertise the remaining vacancy. There are no risks associated with this option. The Standards
Committee would be quorate and be able to continue to sit pending a further appointment.

5.2 Council can decide not to appoint Stephen Sim and re-advertise both posts. The risk associated with this option is that the Standards Committee will not be quorate until further appointments have been made and there may not be sufficient further applicants.

6.0 **RESOURCE AND VALUE FOR MONEY IMPLICATIONS**

6.1 Travelling and subsistence expenses in respect of independent members will be met from the Member Support budget. The cost of advertising these positions will also be met from this budget. There are no other direct financial implications arising from this report.

7.0 **LEGAL IMPLICATIONS**

7.1 The Localism Act 2011 places a duty on the Council to have in place arrangements under which allegations can be investigated, and arrangements under which decisions on allegations can be made. The Council fulfils that duty, in part, by having a Standards Committee with independent members.

7.2 The Council’s Constitution requires that the Standards Committee has two independent members who sit as Chair and Vice-Chair.

8.0 **CONCLUSION**

8.1 There are two vacancies for independent members on the Standards Committee. A recruitment process has been followed and recommended the appointment of Stephen Sim as the only suitable candidate. This recommendation needs to be considered and agreed by Council to confirm the appointment.

Iolanda Puzio, Senior Manager for Legal and Democratic Services and Monitoring Officer

15 November 2017

**APPENDICES**

No Appendices

Electoral Division(s): All
Executive Decision

Key Decision

If a Key Decision, is the proposal published in the current Forward Plan? N/A

Is the decision exempt from call-in on grounds of urgency? No

If exempt from call-in, has the agreement of the Chair of the relevant Overview and Scrutiny Committee been sought or obtained? N/A

Has this matter been considered by Overview and Scrutiny? No

Has an environmental or sustainability impact assessment been undertaken? No

Has an equality impact assessment been undertaken? N/A

N.B. If an executive decision is made, then a decision cannot be implemented until the expiry of the eighth working day after the date of the meeting – unless the decision is urgent and exempt from call-in and the Head of Member Services and Scrutiny has obtained the necessary approvals.

PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS

Council appointed Mr Fryer and Mr Sim on 15 November 2012 to the role of Independent Member for terms of four years.
Council extended their appointments for a further 12 months on 12 January 2016 (so that they expire on 15 November 2017).

CONSIDERATION BY OVERVIEW AND SCRUTINY

Not considered by Overview and Scrutiny

BACKGROUND PAPERS

No background papers

RESPONSIBLE CABINET MEMBER

N/A.

REPORT AUTHOR

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