

COUNTY COUNCIL

Meeting date: 4 November 2021

From: Chief Legal Officer

EXTENSION OF TERM OF INDEPENDENT MEMBER TO THE STANDARDS COMMITTEE

1.0 EXECUTIVE SUMMARY

1.1 *The term of office of the independent chair of the Standard Committee comes to an end on 15 November 2021. As any new appointment would only be for a period of just under 18 months terminating on 31 March 2023 (being immediately prior to the implementation date for local government reorganisation) the existing chair has been asked to extend his term of office for this period.*

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. To be a modern and efficient council.*

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

3.0 RECOMMENDATION

3.1 *It is recommended that Stephen Sim's appointment as independent member and Chair of the Standards Committee be extended until 31 March 2023.*

4.0 BACKGROUND

4.1 The Local Government Act 2000 introduced a requirement for Councils to establish a Standards Committees which had at least one independent member.

4.2 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".

- 4.3 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 require the Standards Committee to include two independent members who ought to be chair and vice chair of the meeting. Under the provisions of the Local Government Act 1972 the independent members must be non-voting members of the committee.

Current Position

- 4.4 Currently there is one independent member, Stephen Sim, on the Standards Committee who is chair of the Committee. Mr Sim has sat on the Standards Committee since 15 November 2012 when he was appointed for a 4-year term which was extended by one year to 15 November 2017. He was appointed for another 4-year term in November 2017 which will expire on 15 November 2021. The other position of independent member of the panel was not filled in 2017 because there were no other suitable candidates for the role. It has remained vacant since then.
- 4.5 As Mr Sim's term of office comes to an end on 15 November 2021 a decision needs to be made as to whether to fill this post (and the other vacant post of independent member) and how this vacancy should be filled.
- 4.6 In view of the proposed timeframe for local government reorganisation any appointment made at this time would only be for a period of approximately 18 months – ending on the 31 March 2023 immediately prior to the Council being dissolved.
- 4.7 The Standards Committee is required under its terms of reference to meet at least once a year and then on an ad hoc basis as required for the purposes of maintaining high standards of member conduct, advising on the revision and operation of the member code of conduct and investigating any complaints under the code. It normally does not meet more than once a year.
- 4.8 In light of the short period for which the appointment would be made and the difficulties in filling both vacancies in 2017 it is recommended that Mr Sims is asked to continue in his post until 31 March 2023 as he can bring his existing experience to the role. Mr Sim has confirmed he is prepared to continue in the post for this period.

5.0 OPTIONS

- 5.1 Council can agree to re-appointment Mr Sim until 31 March 2023. There are no risks associated with this option.
- 5.2 Council can decide not to re-appoint Mr Sim and seek to recruit two new independent members. A recruitment process will take several months to run and there is no guarantee that good candidates will come forward. Any new candidates would only be in the role for a short period.
- 5.3 Council can decide not to appoint an independent member to the Standards Committee and can amend the terms of reference of the Standards Committee to remove the requirement for an independent member. There is

no statutory requirement to have a Standards Committee or if there is a Standards Committee to have independent members on it. However, the presence of an independent member does ensure there is an independent voice involved in the process of maintaining high standards.

6.0 RESOURCE AND VALUE FOR MONEY IMPLICATIONS

6.1 There are no financial implications of the recommended proposal to extend term of office of the independent chair of the Standard Committee. The holder of this position does not receive annual allowances, with only minimal travel expenses being reimbursed.

7.0 LEGAL IMPLICATIONS

7.1 The Council is responsible under Part 2A of the Constitution for approving the Terms of Reference of Committees, deciding on their composition and making appointments to them. Accordingly, Council is responsible for making the appointment recommended in this report.

7.2 The legal background to the appointment are set out in the main body of the report.

8.0 CONCLUSION

8.1 This report recommends that the appointment of Mr Sim as independent member and chair of the Standards Committee is extended until 31 March 2023

Iolanda Puzio
Chief Legal Officer
15 October 2021

APPENDICES

No appendices

Electoral Division(s): All

Executive Decision

	No
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Key Decision

	No
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If a Key Decision, is the proposal published in the current Forward Plan?

		N/A
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Is the decision exempt from call-in on grounds of urgency?

	No
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If exempt from call-in, has the agreement of the Chair of the relevant Overview and Scrutiny Committee been sought or obtained?

		N/A
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Has this matter been considered by Overview and Scrutiny?
If so, give details below.

	No
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Has an environmental or sustainability impact assessment been undertaken?

		N/A
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Has an equality impact assessment been undertaken?

		N/A
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PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS

No previous relevant decisions

CONSIDERATION BY OVERVIEW AND SCRUTINY

Not considered by Overview and Scrutiny.

BACKGROUND PAPERS

No background papers

RESPONSIBLE CABINET MEMBER

Stewart Young, Leader of the Council.

REPORT AUTHOR

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