

# Executive Summary and Recommendations

**Title of Report:** Independent Members on the Standards Committee

**Date:** 9 January 2008

## **1. Summary of this Report**

- 1.1 This report sets out proposals for the recruitment of additional Independent Members to the City Council's Standards Committee as a result of requirements (yet to be brought into force) of the Local Government and Public Involvement in Health Act 2007 ("the Act").
- 1.2 When the relevant provisions come into force, responsibility for dealing with initial complaints of member conduct is transferred from the Standards Board for England ('SBE') to the Standards Committee. It also requires that the Standards Committee conducts a preliminary investigation into complaints, a review in certain circumstances of any decision not to take further action, and the final hearing. The SBE recommends that, in the interests of fairness, the investigation and the review be conducted by different members of the Standards Committee and, possibly also, the hearing itself. It is therefore considered appropriate to form three sub-committees of the Standards Committee to deal with each of the three stages.
- 1.3 Each sub-committee must have at least one member who is an Independent Member. Therefore, three Independent Members are required, one for each of the three sub-committees.

## **2. Recommendations**

- 2.1 That the Director of Legal and Administrative Services be authorised to undertake the necessary arrangements to advertise for additional Independent Members of the Standards Committee on the basis set out in paragraphs 3.4 to 3.10 of the main report.
- 2.2 That the procedure used to appoint the existing Independent Member be adopted for the recruitment process that is, shortlisting of candidates by the Director of Legal and Administrative Services in consultation with the Chairman of the General Purposes Urgency Sub-Committee, an interview by the Sub-Committee and a recommendation of suitable candidates to the full Council.
- 2.3 That it be noted that a further report will be submitted to the General Purposes Committee with detailed proposals relating to the constitution of the Standards Committee in view of the additional functions imposed by the Act.



City of Westminster

# Committee Report

Item No:	
Date:	9 January 2008
Classification:	For General Release
Title of Report:	Independent Members on the Standards Committee
Report of:	The Director of Legal and Administrative Services
Wards involved:	Not Applicable
Policy context:	Management of the Council
Financial summary:	Costs involved can be met from existing resources
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### **3. Background Information**

- 3.1 The Act makes provision for local authority Standards Committees to act as local filters for complaints of member misconduct, a function previously carried out by the SBE. Whereas prior to the Act, all complaints about member conduct had to be made to the SBE which may or may not have referred the complaint on to the authority for investigation, the Act will require (probably from April 2008) that all complaints be made to the Standards Committee at the outset.
- 3.2 In view of this, local Standards Committees will act in three additional capacities:
1. Once a complaint is received, the Act requires the Standards Committee to conduct a preliminary consideration of the allegations. The Committee may either refer the allegations to the Monitoring Officer for investigation or may refer the matter to the SBE or may decide to take no further action; this part of the procedure is known as the 'local filter'. The SBE is recommending that the local filter is carried out by a sub-committee of the Standards Committee.
  2. If the Committee decides to take no further action, it must write to the complainant giving reasons for the decision. The complainant may then, within 30 days, seek a review of that decision, in which event the Committee must look at the matter again. The SBE recommend that this review stage be carried out by a separate sub-committee of the Standards Committee.
  3. In the event that the first or the second sub-committee decides that the complaint should be investigated by the Monitoring Officer, and the Monitoring Officer's report finds that there is a breach of the Code, the Standards Committee must conduct a hearing to decide whether it agrees with that finding. It is not clear whether the SBE will recommend that the hearing stage be conducted by a third sub-committee; it is due to produce guidance shortly. However, there is a possibility that it will recommend that hearings be dealt with by a separate sub-committee and therefore it is advisable to plan for a third sub-committee.
- 3.3 The Local Government Act 2000 requires that each of the sub-committees must have at least one Independent Member. On that basis, 3 Independents will be required, one for each sub-committee. The Standards Committee is aware of the need to appoint additional members, having on 1<sup>st</sup> November considered a report on the matter and agreed that the General Purposes Committee should be recommended to begin the process of recruiting additional independent Members as soon as possible.
- 3.4 The process of appointing Independent Members is, to some extent, regulated by the Relevant Authorities (Standards Committees) Regulations 2001. Regulation 4 provides that:

‘....a person may not be appointed as an independent member of a standards committee of an authority or sub-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;
- (e) of a person who is not a relative or close friend of a member or officer of the authority.

- 3.5 The Standards Committee expressed concern that the number and suitability of applicants that an advertisement in the local press would attract may be insufficient. It was therefore suggested that the Society of Local Authority Chief Executives (SOLACE) advertise the position on their website and also that Primetimers, a not for profit organisation, which specialise in recruitment for the voluntary sector is used to source suitable candidates. It is therefore recommended that the Council use the services of SOLACE and Primetimers.
- 3.6 SOLACE has indicated that they would be willing to advise their Members of the position on their website and a newsletter to their Members. There would be no cost for this service.
- 3.7 Primetimers offers a more thorough selection process, which includes interviewing shortlisted candidates. At this stage it is not proposed to ask them to carry out this part of the process but to ask them to search for suitable candidates and encourage them to submit an application for the position. Primetimers will charge £4,000 for this service.
- 3.8 The Standards Committee also asked that consideration be given to using recruitment consultants to attract suitable candidates. Following consultation with the City Council’s HR Department, the use of recruitment consultants is not recommended. Most agencies who undertaken this work do not have the relevant experience in recruitment of this type.
- 3.9 It is considered best practice for the recruitment process to reflect as far as possible the recruitment processes used for staff. Accordingly, arrangements need to be put in hand for the placing of advertisements and the production of information packs for candidates. It is suggested that these arrangements be delegated to the Director of Legal and Administrative Services.
- 3.10 It is proposed that approval be given to the establishment of an interview panel (constituted as the General Purposes Urgency Sub-Committee) to interview candidates responding to the advertisement and that the Director of

Legal and Administrative Services be given delegated authority to draw up a shortlist for interview by the Urgency Sub-Committee, subject to consultation with the Chairman of that Urgency Sub-Committee.

- 3.11 Following interviews by the Urgency Sub-Committee, a recommendation will be made direct by the Urgency Sub-Committee to the most appropriate full Council meeting.

#### **4. Legal Implications**

- 4.1 The arrangements set out here for the appointment of the Independent Members will comply with the Relevant Authorities (Standards Committees) Regulations 2001.

#### **5. Financial Implications**

- 5.1 It is expected that the costs associated with the recruitment of additional independent Members will be capable of being met from within existing resources.

If you have any queries about this report or wish to inspect one of the background papers please contact Mick Steward on 020 7641 3134;  
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#### **Background Papers**

- Report to the Standards Committee – 1<sup>st</sup> November 2007