

## CAMBRIDGE CITY COUNCIL

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REPORT OF: Head of Legal Services and Monitoring Officer

TO: Civic Affairs Committee

27/6/2012

WARDS: None directly affected

### **LOCALISM ACT 2011: APPOINTMENT OF AN INDEPENDENT PERSON**

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#### **1 INTRODUCTION**

- 1.1 The purpose of this report is to update the Committee on the need to appoint one or more “independent persons” in connection with the revised standards regime introduced by the Localism Act 2011, and the Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order made on 8 June 2012.

#### **2. RECOMMENDATIONS**

- 2.1 That the Council seeks to appoint one Independent Person and one deputy.
- 2.2 That the Independent Person is paid an annual allowance of £1,000 and that the Deputy is paid an annual allowance of £500.
- 2.3 That the appointments are made for a three year term but with appointments subject to annual ratification at the Annual Meeting of the Council.
- 2.4 That the Committee endorses the selection criteria and role description annexed to this report.
- 2.5 That the Committee appoints a member panel to recommend appointments to the Council
- 2.6 That the Monitoring Officer is authorised to take such reasonable steps as he considers necessary to implement these recommendations.

### 3. BACKGROUND

3.1 The Council needs to appoint one or more “Independent Persons” to play a role in connection with the determination of complaints against councillors and to retain an independent element to the promotion and regulation of standards.

3.2 Independent persons need to be appointed by advertisement and application. Their appointment needs to be confirmed by the full Council.

3.3 Initially the legislation provided that current external members of the Standards Committee would be ineligible for appointment. However, transitional arrangements published by statutory instrument on 8 June provide that current external members may be appointed if the appointment is made before 1 July 2013.

3.4 These are functions of the Independent Person:

- The IP must be consulted and their views taken into account before the Council makes a decision on any allegation it has decided to investigate.
- The IP may be consulted by the Council in other circumstances related to “standards” issues; e.g. at the point at which a complaint is received, or more generally regarding ethical issues.
- The IP may be consulted by a member of the authority against whom an allegation has been made.

3.5 This last role could give rise to a conflict of interest if, for instance, the Monitoring Officer has already consulted, or needs to consult, the Independent Person. This is one reason for appointing a deputy. The other reason is that this will provide resilience should the Independent Person be absent or unwell. It also adds to the external scrutiny of standards arrangements.

3.6 Monitoring Officers for Cambridgeshire Councils have explored the scope for making joint appointments of Independent Persons. However, they have concluded that it is simpler for each council to make its own appointments but with a common approach to the role and to the skills and competences needed.

## **4. APPOINTMENT PROCESS**

### **4.1 Advertisement.**

Advertisement on the Council's website would be adequate for legal purposes. Members are asked for their views on whether the appointment should be advertised more widely.

### **4.2 Role and Skills and Competences**

A proposed description of these is set out in the appendix to this report.

### **4.3 Allowance**

Monitoring Officers for Cambridgeshire authorities are proposing a common approach to allowances, making provision for an allowance of £1,000 for the principal Independent Person and of £500 for their deputy. This compares with allowances of £1,113 and £278 for the Chair and Deputy of the Standards Committee. (NB: Although these allowances have been made available to external members of the Standards Committee, they have not been claimed.)

### **4.4 Appointment**

The appointment needs to be confirmed by full Council but it is suggested that Civic Affairs appoints a small member panel to consider applications and to make recommendations.

### **4.5 Delegation**

At its meeting on 1 February, Civic Affairs Committee resolved:

“The Monitoring Officer, after consultation with the Chair of this Committee, the Standards Committee, and group spokespersons, is given delegated powers to devise and implement a procedure for recruiting one or more “Independent Persons”, including setting up a member panel to make a recommendation for appointment to the Council.”

A more limited form of delegation is now recommended for the Monitoring Officer to take such reasonable steps as he considers necessary to implement the other recommendations to the Committee.

## 5 CONSULTATIONS

The Democratic Services Manager has been consulted. A report outlining the role of the Independent Person was brought to Civic Affairs Committee on 1 February 2012.

## 6. IMPLICATIONS

- (a) **Financial Implications** The suggested allowances for the Independent Person and deputy amount to £1,500. The current (albeit unclaimed) provision for Chair and Deputy of the Standards Committee is £1,391. The difference can be met from existing budgets. There will be a cost if members wish to place press advertisements for the roles.
- (b) **Staffing Implications** None
- (c) **Equal Opportunities Implications** Applications will be considered in accordance with the City Council's HR procedures to ensure fairness and avoid direct or indirect discrimination. Because of this, no equality impact assessment has been conducted.
- (d) **Environmental Implications** Nil
- (e) **Community Safety** Nil

**BACKGROUND PAPERS:** The following are the background papers that were used in the preparation of this report:

Recruitment Pack for Appointment of Independent Person (Newark and Sherwood District Council)

Localism Act 2011

Localism Act 2011 (Commencement No.6 and Transitional, Savings and Transitory Provisions) Order 2012.

To inspect these documents contact Simon Pugh, Head of Legal Services and Monitoring Officer. Tel (01223) 457401, email [simon.pugh@cambridge.gov.uk](mailto:simon.pugh@cambridge.gov.uk).

The author and contact officer for queries on the report is Simon Pugh, Head of Legal Services and Monitoring Officer.

## **Appendix**

### **ROLE OF INDEPENDENT PERSON**

#### **ROLE DESCRIPTION**

Responsible to: The Council

Liaison with: Monitoring Officer, members of the Civic Affairs Committee, officers and members of the City Council and key stakeholders within the community.

1. To assist the Council in promoting high standards of conduct by elected and co-opted members of Cambridge City Council and in particular to uphold the Code of Conduct adopted by the Council and the seven principles of public office, namely selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
2. To be consulted by the Council through the Monitoring Officer and/or the Civic Affairs Committee before it makes a decision on an investigated allegation and to be available to attend meetings of the Hearing Panel of the Standards Committee for this purpose.
3. To be available for consultation by the Monitoring Officer and/or the Civic Affairs Committee before a decision is taken as to whether to investigate a complaint or to seek local resolution of the same.
4. To be available for consultation by any elected member who is the subject of a standards complaint.
5. To develop a sound understanding of the ethical framework as it operates within Cambridge City Council.
6. To participate in training events to develop skills, knowledge and experience and in networks developed for Independent Persons operating outside the City Council's area.
7. To attend training events organised and promoted by the Council's Civic Affairs Committee.
8. To act as advocate and ambassador for the Council in promoting ethical behaviour.

## SKILLS AND COMPETENCIES

The Independent Person will have:

- a keen interest in standards in public life.
- a wish to serve the local community and uphold local democracy.
- the ability to be objective, independent and impartial.
- sound decision making skills
- leadership qualities, particularly in respect of exercising sound judgement.

The Independent Person will:

- be a person in whose impartiality and integrity the public can have confidence.
- understand and comply with confidentiality requirements.
- have a demonstrable interest in local issues.
- have an awareness of the importance of ethical behaviours.
- be a good communicator.

Desirable additional criteria are:

- working knowledge/experience of local government or other public service and/or of large complex organisations and awareness of and sensitivity to the political process.
- knowledge and understanding of judicial/quasi judicial or complaints processes.

You should demonstrate in your application how you meet the above criteria as this will assist the short-listing process.

Means of assessment will be by application form and by interview.

NOTE: You will be required to be contactable during normal working hours by telephone or by email and to be available to attend hearings which may be held in the day time and at relatively short notice.

## Eligibility for Appointment

A person cannot be appointed as an Independent Person if they are or were within a period of 5 years prior to the appointment:

- a member, co-opted member or officer of the authority, or a relative or close friend.

However, by virtue of transitional arrangements, external members of the Council's Standards Committee are eligible to apply for the role.