

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Legal Services
TO: Council
WARDS: None directly affected

21/2/2013

LOCALISM ACT 2011 AND STANDARDS OF CONDUCT: APPOINTMENT OF "INDEPENDENT PERSON" AND DEPUTY

1 INTRODUCTION

- 1.1 The purpose of this report is to recommend the Council to appoint an "Independent Person" and a Deputy in connection with the revised standards regime introduced by the Localism Act 2011

2. RECOMMENDATIONS

The Independent Person Member Appointment Panel recommends:

- 2.1 That Sean Brady is appointed as the Council's Independent Person
- 2.2 That Robert Bennett is appointed as the Council's Deputy Independent Person.

3. BACKGROUND

- 3.1 The Council received a report at its meeting on 19 July 2012 setting out the need to appoint an Independent Person and recommending the appointment of a Deputy. The Council endorsed selection criteria and a role description, which are annexed to this report.
- 3.2 The Council also resolved to set up a member panel to recommend appointments. The panel was made up of Councillors Hart, Johnson, Pitt and Smart. Cllr Smart chaired the Panel meeting.
- 3.3 The Council agreed to an allowance of £1,000 for the principal Independent Person and of £500 for their deputy.
- 3.4 Members of the public were invited to apply for the role by an advertisement in the Cambridge News and on the Council's website. Two applications were received.

3.5 The Panel met on 4 January 2013 and interviewed the two candidates.

4. **THE ROLE OF INDEPENDENT PERSON**

4.1 The Council is required by the Localism Act 2011 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.

4.2 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.

4.3 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.

4.4 Thought needs to be given to how the Independent Person and Deputy can best contribute to the development of ethical best practice within the City Council. They are likely to have a role in the formulation and development of codes of conduct and could be invited to attend meetings of Civic Affairs Committee when it is considering issues related to standards and conduct.

5. **THE CANDIDATES**

5.1 **Sean Brady.**

Mr Brady has been an external member of Uttlesford District Council’s Standards Committee since it was set up, and was its Chair for 10 years. During this time, he chaired a number of public hearings of complaints.

The provisions of the Localism Act meant that Mr Brady was not eligible for appointment as an Independent Person with Uttlesford, but there is no bar on his appointment to other authorities.

Mr Brady's professional background is as a Chartered Insurer. He is a Fellow of the Chartered Insurance Institute. He has also been a Patient Representative on Advisory Groups at Addenbrookes Hospital.

In his application, Mr Brady says that, although he lives a few miles from Cambridge, he visits frequently, has relatives and friends in the City and County and has connections with a number of organisations in Cambridge.

5.2 Robert Bennett

Mr Bennett's professional background is as an Auditor. He worked for the Audit Commission between 1976 and 1980, for Peterborough Development Corporation between 1980 and 1981, and as a Senior Internal Auditor at Cambridgeshire County Council between 1981 and 1985.

Mr Bennett worked for PricewaterhouseCoopers between 1985 and 2010, and was a Partner from 1990. He led the public sector audit business in the South East of England. He has extensive experience of working with NHS bodies and local authorities, including work as Cambridge City Council's external auditor.

6. THE PANEL'S RECOMMENDATION

- 6.1 Although there were only two applications for the Panel to consider, the Panel was fortunate that both were of very high quality. The Panel was satisfied that both candidates were worthy of appointment and was faced with the difficult decision of which to recommend for the principal role, and which to recommend as deputy. After careful deliberation, the Panel recommend the appointment of Mr Brady as Independent Person and Mr Bennett as Deputy.

7. CONSULTATIONS

The recommendations are the outcome of an open appointment process. The recommendations are made by the Member Appointment Panel. Consultation, as such, was not appropriate for this appointment.

8. OPTIONS

It would be open to the Council not to accept the Panel's recommendations. This would necessitate re-advertising and cause some practical difficulties in the interim in considering any complaints made against councillors.

9. IMPLICATIONS

- (a) **Financial Implications** An allowance of £1,000 is payable to the Independent Person and £500 to the Deputy. This has can be met within existing budgets.
- (b) **Staffing Implications** None
- (c) **Equal Opportunities Implications**
An Equality Impact Assessment is not appropriate. The appointment was advertised on the Council's website and in the Cambridge News.
- (d) **Environmental Implications** – Nil impact.
- (e) **Procurement** – Nothing to do with procurement.
- (f) **Consultation and communication** – Nothing to add
- (g) **Community Safety** – Not related to Community Safety.

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

Report to Civic Affairs Committee – 27 June 2012.

To inspect this document contact Simon Pugh, Head of Legal Services on (01223) 457401 or simon.pugh@cambridge.gov.uk or view online at <http://www.cambridge.gov.uk/democracy/documents/s12651/Appointment%20of%20Independent%20Person.pdf>

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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.