

Agenda Item

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Legal Services
TO: Civic Affairs 17/02/2016
WARDS: None directly affected

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 extend the appointment of the Council's "Independent Person" and Deputy for the standards regime introduced by the Localism Act 2011

2. RECOMMENDATIONS

The Committee is asked to recommend Council:

- 2.1 To extend the appointment of Sean Brady and Robert Bennett as the Council's Independent Person and Deputy for a term of two years until the end of February 2018.

3. BACKGROUND

- 3.1 The Council appointed Sean Brady and Robert Bennett to their roles in February 2013 for a term of three years. The appointments were made on the recommendation of a member panel. Members of the public were invited to apply for the role by an advertisement in the Cambridge News and on the Council's website.
- 3.2 The Council had previously endorsed selection criteria and a role description, which are annexed to this report. The Council also agreed to an allowance of £1,000 for the principal Independent Person and of £500 for their deputy.

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 The Independent Person and Deputy also have a wider role in relation to good governance through their attendance and contribution to debate at Civic Affairs Committee. This introduces an element of external challenge.

5. **BIOGRAPHICAL INFORMATION**

5.1 **Sean Brady.**

Before becoming the City Council’s Independent Person, Mr Brady was 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.

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.

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,

before his current appointment, as Cambridge City Council's external auditor.

6. THE OPTIONS

6.1 The options are either to extend the current appointments for a period or to run a fresh recruitment exercise.

6.2 Points in favour of extending their period of office include:

- These have been successful appointments. In the experience of the Monitoring Officer, the appointees have performed their duties well.
- They have gained experience of the Independent Person role in the course of the previous three years and there is merit in retaining this experience.
- There is an expense to recruitment and it places demands on officer and member time.
- We may not be able to recruit candidates of a similar calibre, and there is a risk that the recruitment would fail. Our experience is that it is difficult to recruit to external panels and similar. On initial recruitment to these posts, we received only two applications.

6.3 Points in favour of recruiting new Independent Persons include:

- It is, arguably, more transparent.
- We may benefit from new recruits looking at things with a fresh perspective.

6.4 The Monitoring Officer's view is that the arguments in favour of extending the period of office are stronger but that the Council should consider open recruitment of Independent Persons on expiry of an extended five year period; i.e. in two years' time.

7. CONSULTATIONS

Mr Brady and Mr Bennett are willing to serve for an additional two years if the Council wishes to extend their period of appointment.

8. IMPLICATIONS

(a) **Financial Implications** An allowance of £1,000 is payable to the Independent Person and £500 to the Deputy. This is provided for within existing budgets.

(b) **Staffing Implications** None

(c) **Equal Opportunities and Anti-Poverty Implications**

The initial appointment was advertised on the Council's website and in the Cambridge News and was conducted in accordance with the Council's .

(d) **Environmental Implications** – Nil impact.

(e) **Procurement** – Nil.

(f) **Consultation and communication** – See section 7.

(g) **Community Safety** – Nil.

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.

Report to Council – 21 February 2013

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> and <http://democracy.cambridge.gov.uk/documents/s17381/IP%20ppointment%20Panal%20Report.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.
9. To advise the Council in respect of any recommendation by the Employment (Senior Officer) Committee to dismiss the Chief Finance Officer, Head Of Paid Service or Monitoring Officer on disciplinary grounds.

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.