

Agenda item:



Walsall Council

Standards Committee

5 January 2009

Recruitment of independent members to Standards Committee

Summary of Report

This report advises the Committee on the proposed process for the recruitment of independent members to the Standards Committee.

Recommendations

- (1) That the content of the report be noted.
- (2) That the Committee support the recruitment process of two vacancies for independent members and note that the recommended period of office will be until the end of the municipal year 2010/2011.

Resource Considerations:

Financial:

The Council will incur costs in reimbursing independent members reasonable out of pocket expenses, such as travelling (subsistence) and other related expenses. These are difficult to quantify in advance and will be dependent on the Committee's level of activity during an independent member's period of office.

It is expected for these costs to be met from existing corporate budgets.

Legal:

None arising from this report

Staffing:

None arising from this report

Citizen impact

Standards Committees were devised in part to bring about an improvement in standards in local government and also to raise public confidence. By adopting an open and transparent recruitment procedure, the Committee will be contributing to raising the public's perception and confidence of standards in the authority. The ability to apply for positions also enables citizens to participate and contribute to local democracy.

Community Safety:

None arising from this report

Environmental:

None arising from this report

Performance and Risk Management:**Risk:**

The risk of members not being trained could lead to unsafe decision making

Performance Management:

None arising from this report

Equality implications

Independent members will be recruited to the Standards Committee having regard to the Council's Equal Opportunity Policy and best practice recruitment and selection procedures.

As co-opted members to a Committee of the authority, the independent members will need to observe and comply with the Council's Code of Conduct for Elected Members.

The Code requires that members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, religion, gender, sexual orientation or disability.

They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Consultation:

None arising from this report

Background papers

All published.

Signed:

**Assistant Director of Legal and Constitutional Services and Monitoring
Officer**

Date: 10 December 2008

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Current position:

The Local Government Act, 2000 requires all local authorities to have a Standards Committee. The role of the Committee is set out in statute and the Council's Constitution. It includes, in relation to other matters:

- Promoting and maintaining high standards of conduct by members and co-optees of the authority.
- Assisting members and co-optees to observe the Code of Conduct.
- Dealing with complaints of breaches of the Member's Code of Conduct referred to the Monitoring Officer by the Standards Board for England.

The Secretary of State has issued secondary legislation governing appointments and procedures of Standards Committees and its composition.

The main points of the regulations are:

- 25% of Committee member's should be individual independent members (where the Committee has more than three members).
- Appointment of independent members should follow a public advertisement.
- Appointment of individual independent members should be approved by a majority of the members of the authority.
- An independent member should not be related to or be a close friend of any Councillor or officer of the authority.
- An independent member must not have been a member or officer of the authority in the proceeding five years.
- Following the implementation of the new political management structure no more than one member of the Standards Committee will be able to be a member of the executive.
- Standards Committees must operate under the same procedures as other Committees.

In addition to the statutory requirements above, the Council's Constitution provides for our Standards Committee to have six independent members who are not Councillor's or an officer of the Council or any other body who has a Standards Committee.

The period of office of two existing independent members, Mr R Meller and Mr L Bates will expire at the end of the current municipal year.

The details of the periods of office of the remaining independent members of the Committee are as follows:

Name:	Period of Office:
Mrs H Bashir	Ceases at the end of municipal year 2009/10
Ms K McLeod	Ceases at the end of municipal year 2010/11
Dr K Biscomb	Ceases at the end of municipal year 2010/11
Mr A Wood	Ceases at the end of municipal year 2010/11

Periods of office:

During the current recruitment process, applicants will be made aware of the need to stagger the retirement dates and will be asked to express a preference for the period of office that is available to ensure that the process is transparent.

In the event that there are more successful candidates for a particular period of office than seats available, the Monitoring Officer proposes to resolve the matter by a secret ballot which he will undertake and then seek confirmation from the applicants that they are content with the periods of office offered. If there are still difficulties, members of the Committee are asked to note that the Monitoring Officer will seek to resolve these in the best interests of the Council by using his judgement.

Process of appointment:

Appointment to the independent seats on the Committee will follow a selection procedure which will include advertisement of the vacancies, seeking of applications and then interview and selection.

It is proposed that a public advertisement for the two vacancies will be placed in both the local press in February 2009 and also in the Council's Job Shop publication, the job's website and a "mail shot" will be sent to the community empowerment network.

The two existing independent members whose period of office expires at the end of the current municipal year will have the opportunity to re-apply for these positions.

An information pack containing the following documents will be forwarded to all applicants:

- An application form (attached)
- Personal specification (attached)
- Terms of reference to the Standards Committee and its Sub-Committees
- Copy of the Member Code of Conduct
- IDeA booklet on the Standards Committee
- A selection of Standards Committee agendas
- Copy of form "Declaration of Financial and Other Interests"

Completed applications will be requested back by late March 2009 and the shortlisting and interview process will be held shortly thereafter. The applicants who meet the selection criteria will be invited to attend interview in April 2009. The interview will assess how well the candidates meet the specification and regulations.

It is proposed that the selection panel will be made up of each of the three main political group leaders or their nominees and will be advised by the Monitoring Officer. Only those candidates that receive unanimous support of the selection panel will be recommended for appointment to Council.

Following the introduction of regulations in 2003 that provide for local determination of alleged breaches of the Code of Conduct it is important that members of the Council have confidence and respect for the Standards Committee, that it is not only free of bias but also seen to be. Applicants will therefore be required to consent to a criminal record check.

It is anticipated that following a successful selection process, Council at its annual meeting in May 2009 will be recommended to make appointments to the two vacant positions.