

**NORTHAMPTON BOROUGH COUNCIL**

**STANDARDS COMMITTEE**

Your attendance is requested at a meeting to be held at the Jeffery Room on Monday, 18 October 2010 at 5:00 pm.

**D. Kennedy**  
**Chief Executive**

**AGENDA**

1. APOLOGIES
2. MINUTES
3. DEPUTATIONS / PUBLIC ADDRESSES
4. DECLARATIONS OF INTEREST
5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED
6. THE FUTURE OF THE STANDARDS REGIME  
Report of the Borough Solicitor (Copy herewith)
7. STANDARD FOR ENGLAND - BULLETIN NO. 48  
Report of the Borough Solicitor (Copy herewith)
8. INDEPENDENT MEMBER RECRUITMENT  
Report of Borough Solicitor (Copy herewith)
9. EXCLUSION OF PUBLIC AND PRESS  
THE CHAIR TO MOVE:  
"THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT."

**Public Participation**

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

## SUPPLEMENTARY AGENDA

Exempted Under Schedule  
12A of L.Govt Act 1972  
Para No:-

10. COMPLAINT AGAINST A PARISH COUNCILLOR (1)  
Report of Borough Solicitor (Copy herewith)

### **Public Participation**

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

**STANDARDS COMMITTEE**

**Monday, 14 June 2010**

**PRESENT:** I. Harley (Chair); Mrs Moss (Deputy Chair); D Hughes, T Morris, M Edwards, Councillor J Hollis, Councillor P Flavell and Councillor T Scott

**1. APOLOGIES**

There were no apologies. The Chair welcomed Councillor Scott as a new member of the Standards Committee and was a replacement for Councillor Capstick. He expressed his gratitude to Councillor Capstick for all her support and wished her well for the future.

**2. MINUTES**

**3. DEPUTATIONS / PUBLIC ADDRESSES**

**4. DECLARATIONS OF INTEREST**

**5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED**

**6. VISION FOR THE STANDARDS COMMITTEE**

The Monitoring Officer submitted a paper regarding the vision statement and elaborated thereon. He asked for advice of Committee Members for any amendments or improvements they wished to make.

**RESOLVED:** That the Vision statement be as follows;

‘To develop an ethical agenda into Northampton Borough Council with the understanding, consent and support of elected members, officers, employees, citizens and media to the benefit of the public and Council in particular and the democratic process in general’.

It was agreed that Members would correspond with the Monitoring Officer with any comments on the contents of the Visions statement. The Monitoring Officer would consider the comments made and make the appropriate revisions to the document and seek the Chair and Vice Chairs agreement.

**7. COMMUNICATIONS STRATEGY**

The Monitoring Officer submitted a report, which sought approval on the content of the Draft Communications Strategy. It was explained that following the Standards Committee away day it had become apparent that Members wanted to raise the profile of the Ethical Agenda and were enthusiastic in wanting to achieve democratic engagement, both internally and externally.

The Chair noted that when looking at the context of the standards scenario in 2004, NBC was a Council rated as ‘poor’ but notable progress had been made having been short-listed for Council of the year 2009. He further reported that the Corporate Plan should be seen as a great support to the Council and should be taken to the wider public arena. He explained that Councillors, as elected leaders, should be respected and it would be disappointing if any elected Member did not support it.

The Monitoring Officer confirmed that once the draft report was agreed it could be

developed further. It was explained that developments on the intranet and internet allowed people to access information relating to Standards and that during training sessions in the Induction Process emphasis would be placed on trying to embed the importance of ethical governance.

The Chair asked for feedback of the experiences of the selection process of elected Councillors. Councillor Flavell explained that during her selection process she had not been asked about standards or about her background. Councillor Hollis concurred that little thought had been given to the 'Standards' process and arguably it should be at the top of political parties' agendas.

Councillor Scott suggested that whilst there is a lot of talk about *Councillors* bringing the parties in to disrepute by not maintaining a high level of standards, it should be regarded as bringing the *whole* Council into disrepute. She explained that once she had become a Councillor she had undertaken Code of Conduct training which was not compulsory nor was it Standards specific.

The Monitoring Officer informed the Members about the uncertain consequences of the proposed changes the Coalition Government would make to Standards. The Committee would not have the ability to enforce compulsory training on Standards, but they would be able to heavily encourage and promote it. It was noted that the Standards for England would be terminated, but there was no clear guidance on what or whether it would be replaced.

The Chair advised that there had been a consistent pattern of distrust and little belief in Local Government. It would therefore be necessary to engage with the public by noting their opinions to ensure there was an awareness of people's attitudes.

In response to a question raised, the Monitoring Officer explained that proportionality did not apply to the Standards Committee. However, it was noted that a general approach could be adopted whereby Independent Members could be invited to sit on the Committee and participate in discussions. However, it was confirmed that they would not have voting rights.

Councillor Hollis explained that it would be a positive step to involve independent members to ensure transparency and improved representation and to demonstrate their own commitment to working towards improving standards. In response, the Monitoring Officer stated he would discuss this with the group leaders and would update Members.

In relation to the Standards Committee Communications Strategy, the Chair stated that the answers would be in the results with emphasis placed on the need to work together in order to make progress. Enthusiasm and support would be required from Members and Officers,

**RESOLVED:** That Members be given the opportunity to consider the detail of the Strategy and respond to the Monitoring Officer on any relevant issues within 14 days. The Monitoring Officer would make any appropriate amendments to the Strategy and seek relevant approval from the Chair and Vice Chair with regards to the changes.

## 8. MONITORING REPORT

The Monitoring Officer submitted a report and confirmed that the Monitoring Report would be performed at every Standards Committee. The report provided Members with statistical analysis of data supplied to Standards for England from NBC for 2009/10. It was confirmed that Northampton Borough Council had received no review hearings during this period, which was regarded as highly satisfactory.

The Chair explained that he would like to see the public encouraged to communicate with the Council when they have experienced good service from an individual Councillor. Councillor Scott concurred that Standards should also recognise high standards as well as identifying areas for improvement. Councillor Scott requested that the figures for the next Monitoring Report be broken down further so that specific problem areas/members could be identified.

The Committee was informed that the comparisons between Councils could not yet be made as the Standards for England had not published its findings, but would be reported on when the information was available.

**RESOLVED: That the report be noted.**

## **9. STANDARDS FOR ENGLAND BULLETIN: FEBRUARY 2010**

The Monitoring Officer confirmed that 'The Annual Assembly of Standards Committees – A place for Standards' arranged for the 18<sup>th</sup> and 19<sup>th</sup> October to be held at the ICC in Birmingham, which was the first item mentioned in the Bulletin had been cancelled due to Government changes.

The Monitoring Officer highlighted the Bulletin's item on social networking and the continuing obligation of Members to observe the Code of Conduct.

**Resolved: That the report be noted.**

## **10. THE GOVERNMENT'S PLANS FOR THE FUTURE OF STANDARDS FOR ENGLAND**

The Monitoring Officer submitted a report that informed Members of a letter that had recently been received from the Chair of Standards for England that confirmed the new Government's proposals for the Standard Board regime. It was noted that the forthcoming Standards for England Conference had been formally cancelled as mentioned above due to the Government changes. The committee noted the contents of the bulletin

The Committee would consider the impact for the 'ethical governance' agenda and would discuss any developments between members of the Committee about the effect on the work to be done by the Committee over the next municipal year (2010-2011)

**RESOLVED: That the report be noted.**

## **11. LOCAL ASSESSMENT CRITERIA**

The Monitoring Officer submitted a report on the draft Local Assessment Criteria that would set out the approach and criteria to be used by the Assessment Sub-Committee and the Review Sub-Committee when deciding whether to accept a complaint made against a subject Member or to take no further action on it. It was explained that if the Committee approved the draft Local Assessment Criteria a greater level of transparency would be achieved.

**RESOLVED**

- 1. That the Monitoring Officer, Chair and Vice Chair of the Standards Committee incorporate any necessary amendments and report back at the next meeting.**
- 2. That following the retirement of the position of Vice Chair (Glenice Moss) Trevor Morris would immediately take on the role.**

## **12. STANDARDS FOR ENGLAND- LOCAL STANDARDS 2.0- THE PROPORTIONALITY UPGRADE**

The Monitoring Officer submitted a report on the Standards for England – “Local Standards 2.0 – the proportionality upgrade?” It was explained that the Standards for England conducted a review of how the local standards framework had been working since its introduction in May 2008 when local authorities’ standards committees had become responsible for receiving and assessing complaints about Members and co-opted Members.

**REOLVED: That Members be minded to note the report. However, as the report related to the previous Government, patience was requested whilst the position of the Standards for England was established.**

The meeting concluded at 19.12

M6195

## Standards Committee

### AGENDA STATUS: PUBLIC

<b>Report Title</b>	<b>THE FUTURE OF THE STANDARDS REGIME</b>
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<b>Date of Meeting:</b>	18 October 2010
<b>Directorate:</b>	Borough Solicitor
<b>Ward(s)</b>	All

### 1. Summary

- 1.1 To inform the Standards Committee about the Coalition Government's proposals to abolish the Standards Board Regime.

### 2. Recommendations

- 2.1 That Members note the Coalition Government's proposals.

### 3. Report Background

- 3.1 The Coalition Government has announced they are to abolish the Standards Board regime as announced in the upcoming Decentralisation and Localism Bill.
- 3.2 More detail on the proposals was contained in the Communities Minister Andrew Stunell's announcement on 20 September 2010 and Communities Secretary Eric Pickles' comments of the same date (attached as Appendix 1). The Communities and Local Government Association released details of these announcements and comments in its Latest news and these are also enclosed within appendix 1.
- 3.3 In the meantime Standards for England have released a statement that they intend to continue to work and support local authorities under the current regime whilst the statutory framework remains operative.
- 3.4 However the whole Standards Board regime consisting of a centrally prescribed code of conduct, standards committees with the power to suspend councillors and an unelected central body will be axed in the upcoming Localism Bill. There has also been speculation in some quarters that Standards for England's scrutinizing role may be passed over to the Local Government Ombudsman.
- 3.5 The Government will also legislate to make it clear that councillors can campaign and vote freely on their issues. Councillors who have been prevented from speaking on the very issues they had been elected on, such as planning matters, will now have the freedom to

express their views. But councillors will have to register certain personal interests in a publicly available register; this could include anything that could reasonably be regarded as likely to influence or affect their actions, conduct when on business for the authority or voting. The new legislation will make failing to register an interest, or deliberately seeking to mislead the public about an interest a criminal offence.

#### **4. Implications (including financial implications)**

##### **4.1 Resources and Risk**

This report has been compiled after consideration of implications in respect of finance and those using the service and where such implications are material they have been described in the body of this report.

##### **4.2 Legal**

None other than those mentioned in the body of the report. Standards Committee is the appropriate body to consider the matters set out in this report.

##### **4.3 Other Implications**

This report had also been compiled after consideration of implications in respect of equal opportunities, personnel, crime and disorder and those using the service and where such implication are material that they have been described in the text of the report.

#### **5. Background Papers**

Communities Minister Andrew Stunell announcement 20 September 2010, Communities Secretary Eric Pickles comments of the same date, Communities and Local Government Latest news of the same date attached Appendix 1

**Report Author and Title:** Nikolas Jacob, solicitor on behalf of Francis Fernandes, Borough Solicitor and Monitoring Officer Northampton Borough Council

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## **Stunell - Corrupt councillors will go to court not Standards committees**

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**Published:** 20 September 2010

Serious misconduct for personal gain will be a criminal act, while petty local vendettas will no longer get a hearing as the unpopular standards board regime is axed, Communities Minister Andrew Stunell announced today.

Mr Stunell said the top-down regime set up by central government to monitor council conduct had become a vehicle for malicious and frivolous complaints. For example, one authority had to fork out £160,000 after receiving over 170 complaints from the same person. Each one had to be examined, but only three were considered worth investigating and after investigation all were dismissed.

Local Standards Committees investigated 6000 complaints in the first two years - of which over half were judged not worthy of any further action. The Government is axing the entire Standards regime including the central board, which costs over £6 million a year; with investigations of complaints costing thousands of pounds each.

Genuine corruption in local government needs to be rooted out and the new Government is legislating to make serious misconduct a criminal offence dealt with by the courts not committees. Councillors will have to register certain personal interests in a publicly available register.

Ministers believe these changes will give voters the confidence that councillors who misuse their office will be effectively dealt with. While councillors themselves will have the confidence to get on with their job knowing they won't be plagued by petty allegations.

### **Public will decide councillors' fates**

Under new plans the public will also have greater confidence to challenge poor local services. The Government intends to give the Local Government Ombudsman, the established body for investigating public complaints over the

way they have been treated by their council, reel teeth. For the first time local authorities will be legally compelled to implement the Ombudsman's findings.

Andrew Stunell said:

"The Standards Board regime ended up fuelling petty complaints and malicious vendettas. Nearly every council had investigations hanging over them - most of which would be dismissed but not before reputations were damaged and taxpayer money was wasted. Frivolous allegations undermined local democracy and discouraged people from running for public office.

"That's why we are axing the unpopular and unelected standards board regime. Instead we will legislate to ensure that if a councillor is corrupt and abuses their office for personal gain they will be dealt with in the criminal courts. If a councillor behaves ineffectively or irresponsibly then it's a matter for the electorate not an unelected quango.

"This Government is freeing councillors from central prescription and top down bureaucracy so they can get on with their job. In the future councillors must expect to be judged at the ballot box by an electorate with real access to their accounts and personal interests in a new transparent era."

Communities Secretary Eric Pickles added:

"The standards board regime became the problem, not the solution. Unsubstantiated and petty allegations, often a storm in a teacup, damaged the reputation and standing of local government, as well as wasting taxpayers' money.

"But by abolishing the failed standards committees we're not letting councillors off the hook. Failure to register or declare an interest, or deliberately seeking to mislead the public about an interest, will become a criminal offence while a newly empowered Local Government Ombudsman will investigate incompetence on behalf local people."

The Government will also legislate to make it clear that councillors can campaign and vote freely on their issues. Councillors who have been prevented from

speaking on the very issues they had been elected on, such as planning matters, will now have the freedom to express their views.

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But councillors will have to register certain personal interests in a publicly available register; this could include anything that could reasonably be regarded as likely to influence or affect their actions, conduct when on business for the authority or voting. The whole Standards Board regime consisting of a centrally prescribed code of conduct, standards committees with the power to suspend councillors and an unelected central body will be axed in the upcoming Localism Bill.

However councillors will have to conform to the highest standards of conduct. At present if a councillor abuses their position for personal gain it may result in a complaint to the local authority's standards committee with the councillor simply having to apologise. New legislation will make failing to register an interest, or deliberately seeking to mislead the public about an interest a criminal offence.

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#### Media enquiries

Visit our [newsroom contacts page](#) for media enquiry contact details.

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## Standards Committee

### AGENDA STATUS: PUBLIC

<b>Report Title</b>	<b>STANDARDS FOR ENGLAND - BULLETIN NO 48</b>
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<b>Date of Meeting:</b>	18 October 2010
<b>Directorate:</b>	Borough Solicitor
<b>Ward(s)</b>	All

### 1. Summary

1.1 To inform the Standards Committee about the Standards for England (SfE) August 2010 Bulletin which includes sections on the Coalition Government’s proposals to abolish the Standards Board Regime, an update on monitoring returns, acceptance of complaints by SfE and the reappointment of Independent members.

### 2. Recommendations

2.1 That Members note the content of the Bulletin.

### 3. Report Background

#### 3.1 The future of Standards for England and the Standards Framework.

As mentioned in an earlier report, the Coalition Government have announced they are to abolish the Standards Board regime.

3.1.1 Therefore the section in the August Bulletin on the Coalition Government’s proposals to abolish the Standards Board Regime has to a large extent been updated by the September announcement by the Coalition Government and any doubt about the abolition of the Standards Board regime has been removed by the September announcement.

3.1.2 The bulletin emphasises however that, until the new legislation abolishing the Standards regime is in place, the local standards framework still exists and standards committees and monitoring officers have an obligation to keep the system operating.

#### 3.2 An update on Monitoring Returns.

The section in the Bulletin on monitoring returns confirms that SfE have suspended any requirement that authorities file quarterly or annual returns and these procedures are not

expected to be reintroduced. SfE say that they will shortly be publishing an online report of the annual return information collected for 2009/10. This includes an introduction to the data, a key figures page, a summary of the findings and a full list of all the most common responses to each question.

### **3.3 Acceptance of Complaints by SfE.**

SfE say they have reviewed the factors they take into account when assessing if they will accept cases in the public interest when SfE are considering the acceptance of complaints referred to them by local standards committees for investigation. They say they have not made any changes to the factors or criterion. However, when considering whether to accept cases they will have to have regard to the resources they have available (bearing in mind the impending abolition of the standards regime) and take account of the relative importance of cases.

### **3.4 The reappointment of Independent Members.**

SfE confirm the circumstances that must exist for an authority to extend the term of an independent member for a further period.

## **4. Implications (including financial implications)**

### **4.1 Resources and Risk**

This report has been compiled after consideration of implications in respect of finance and those using the service and where such implications are material they have been described in the body of this report.

### **4.2 Legal**

None other than those mentioned in the body of the report. Standards Committee is the appropriate body to consider the matters set out in this report.

### **4.3 Other Implications**

This report has also been compiled after consideration of implications in respect of equal opportunities, personnel, crime and disorder and those using the service and where such implications are material; they have been described in the text of the report.

## **5. Background Papers**

SfE August 2010 Bulletin attached as Appendix 1

**Report Author and Title:** Nikolas Jacob, solicitor on behalf of Francis Fernandes, Borough Solicitor and Monitoring Officer Northampton Borough Council

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## Introduction

This Bulletin comes at a time of big change for us following the Government's announcement of its intention 'to abolish the Standards Board regime'. Whilst we still await the detail of this policy, we will share with you what we know about what is proposed, and outline the timetable for our closure.

Although we have had to modify our work programme in light of this proposal, we remain 'open for business' and set out in this Bulletin our schedule of activities for the coming year. We are committed to continuing to work with you and support you in operating the standards framework successfully.

This is a sad month for us as we say goodbye to many valued staff leaving the organisation in our first wave of redundancies. We are losing people who have contributed much to this organisation, and many of whom have worked for us for some time. They will be much missed. We wish them all well in their future endeavours and thank them sincerely for their hard work.

## The Future of Standards for England and the Standards Framework

The Government's 'Programme for Government' of 20 May 2010 contained the commitment to "abolish the Standards Board regime". Primary legislation is needed to abolish Standards for England, and we expect the provisions to be included in the planned Decentralisation and Localism Bill which is due to be presented in late 2010, with Royal Assent anticipated between July and October 2011. This is likely to lead to final closure of this organisation sometime between 31 December 2011 and 31 March 2012. We have not seen any transitional provisions at this stage but will provide an update in a later Bulletin, when we know more.

In the light of these circumstances we have reviewed our business plan for this year and next. Our current priorities are to fulfil our statutory duties, to support local authorities in maintaining high standards and to assist the government in developing and implementing any new arrangements they may choose to put in place.

In the meantime, the local standards framework still exists and standards committees and monitoring officers have an obligation to keep the system operating.

### In order to assist you we will:

- Continue to provide advice and information to those who phone or write to us with queries about the standards regime via our enquiries helpline, monitoring officer helpline or press helpline. We will respond immediately where we can by telephone or in writing by post or email.
- Update our guidance on the framework to make it easier to use.

There will be changes to the content of the guidance where sections may be out of date, inaccurate or incorrect. We have received several suggestions from stakeholders and will incorporate these in the guidance where appropriate.

The format of the guidance is changing to make it easier to use and more helpful. It will highlight all statutory requirements and provide a link to the relevant legislation.

We are not proposing to produce any other new guidance products, unless a specific need is identified. All revised guidance will only be available via our website.

- Produce an updated case review.

As a result of a request from the Association of Council Secretaries and Solicitors, and to assist the standards community as a whole, we are updating the Case Review 2007 to reflect cases decided by the First Tier and Upper Tribunals since the Case Review was last updated in 2008.

- Continue to carry out investigations referred to us by standards committees.

See the article towards the end of this bulletin on the factors we take into account when deciding whether to accept cases for investigation

- Maintain existing relationships with key stakeholder organisations.

Standards for England will continue to provide support to those in the regulated and standards community who have requested our help with ethical issues.

- Meet requests for staff to give presentations or attend training events.

We will continue to provide staff and material for presentations and training events where we are requested to attend and where it fits in with our current business plan.

- Maintain our web site as a resource to support standards committees.

We will carry out routine maintenance of our website and the guidance we provide on it. We have published our Annual Report and Annual Accounts online but we will not be printing these publications.

## An update on monitoring returns

In June 2010 we sent out an email to all monitoring officers explaining that we had decided to postpone the return for the April to June quarter. As part of the review of the Business Plan we considered our requests for local authorities to complete quarterly monitoring. There will be no further requests for the submission of quarterly or annual returns. We do not anticipate re-establishing these procedures, unless a specific monitoring need arises in which we have to play a part.

The online questionnaires have been removed from our website and are now inaccessible. However, the information submitted by local authorities is available on request. If any authority wishes to obtain a copy we can provide them with pdf versions of any of the following:

- The standards committee composition details, correct as of the last date of monitoring (31 March 2010)
- Two years of case information, listed in chronological order by date received
- Annual Return 2008/09
- Annual Return 2009/10

Please email requests to [authorityreturns@standardsforengland.gov.uk](mailto:authorityreturns@standardsforengland.gov.uk)

Aggregated summary statistics of the quarterly return information are still available online at

<http://www.standardsforengland.gov.uk/CaseinformationReporting/Localstatistics/>

We will shortly be publishing an online report of the annual return information collected for 2009/10. This includes an introduction to the data, a key figures page, a summary of the findings and a full list of all the most common responses to each question.

## Acceptance of Complaints by SfE

We have reviewed the factors we take into account when assessing if we will accept cases in the public interest, referred to us by local standards committees, for investigation. We reviewed the factors to see whether they were still appropriate taking into account the Government's stated policy, its localist approach to regulation of local government and our reduced budget.

We concluded that both the underlying criterion of public interest and the relating factors are consistent with our statutory purpose and continue to be valid while the current standards framework remains in place. Therefore we have not made any changes to the factors or criterion. However, when considering whether to accept cases we will have to have regard to the resources we have available and take account of the relative importance of cases.

## Reappointment of Independent members

We have been asked if an authority has to follow our recommendation that independent members serve no more than two terms of four years after which new members should be recruited. Some authorities are concerned that, given the current uncertainty regarding the future of the standards regime, it may be preferable to retain those who have been trained and understand their role rather than to try to recruit and appoint new members. In light of the uncertain future of the standards framework we advise that, as long as the original appointment was carried out in accordance with all the correct legal requirements at the time (e.g. approved by full council, after being openly advertised and having assessed the suitability of all the applicants) an authority can extend that term for a further period. This can only be done during the term of office of an existing independent member and by approval from full council. Once the independent member's term has expired the full recruitment procedures must be followed again.



## Tell us how it should be done

The Standards Forum now has more than 1,100 users and over 200 posts on almost 70 different topics. The subjects of vexatious complaints, informing the subject member about a complaint and promoting ethical behaviour continue to be popular. More recently posts about subject members resigning before an election and discussions about the future of the standards regime have been generating interest.

If you have anything to say about these issues or if you want to share good practice, seek advice from your peers or simply draw attention to something you think might be relevant to others, do it on the Forum. To have your say, visit:

[www.standardsforengland.gov.uk/resources/TheStandardsForum/](http://www.standardsforengland.gov.uk/resources/TheStandardsForum/)

The Forum is open to members of standards committees, monitoring officers and other relevant council officers. If you are not currently registered for the Forum and would like to have access, please email: [forum@standardsforengland.gov.uk](mailto:forum@standardsforengland.gov.uk)

## Standards Committee

### AGENDA STATUS: PUBLIC

Report Title	STANDARDS COMMITTEE – INDEPENDENT MEMBER RECRUITMENT
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Date of Meeting:	18 October 2010
Directorate:	Chief Executive
Ward(s)	All

### 1. Summary

1.1 To inform the Standards Committee about the progress of the recruitment of a new Independent member to replace a retiring Independent member.

### 2. Recommendations

2.1 That Members resolve to begin to interview the 8 applicants who have submitted completed applications in response to the authority's advertised request to receive applications to fill the vacancy.

### 3. Report Background

#### 3.1 The recruitment of an Independent Member.

3.2 The Council has undertaken a recruitment exercise to appoint an independent member in view of the pending retirement of an independent member. As it is obliged to do under legislation, the Council has advertised the pending vacancy in a local newspaper.

3.3 As has been noted at previous meetings of this Committee, the Council has on previous occasions experienced difficulty in recruiting to fill the vacancy and in particular it has noted an insufficient response from underrepresented community groups. In order to positively address this issue on this occasion the Council also informed Northampton University of the vacancy and the position was advertised using their internal website and advertising methods.

3.4 It is hoped that the 8 applicants will reflect a more representative response of the diverse community the Council serves. The Council will monitor the application responses received and this will be reported to the next meeting of Standards Committee.

- 3.5 In the light of the impending retirement of one of independent members the Borough Solicitor recommends that subject to suitability one appointment be made from the 8 candidates who have applied.
- 3.6 It may also be possible to persuade the retiring member to reconsider the date of retirement and stay on until a new appointment is made and also in view of the impending abolition of the Standards Board Regime as reported in other reports to this meeting. The Committee is reminded however that until the new legislation abolishing the Standards regime is in place, the local standards framework still exists and standards committees and monitoring officers have an obligation to keep the system operating.
- 3.7 In view of the Local government and Public Involvement in Health Act 2007 it is recommended that all candidates thought suitable but not actually appointed are kept in a 'pool' for future consideration.

#### **4. Implications (including financial implications)**

##### **4.1 Resources and Risk**

This report has been compiled after consideration of implications in respect of finance and those using the service and where such implications are material they have been described in the body of this report.

##### **4.2 Legal**

None other than those mentioned in the body of the report. Standards Committee is the appropriate body to consider the matters set out in this report.

##### **4.3 Other Implications**

4.3.1 This report has been compiled after consideration of implications in respect of equal opportunities, personnel, crime and disorder and those using the service and where such implications are material; they have been described in the text of the report.

4.3.2 As one third of the membership of Standards Committee must, under the Council's constitution, be Independent Members the difficulty in recruiting to the role presents a significant risk to Standards Committee and the Council to the extent that the committee might be unable to function effectively due to insufficient Independent Membership. This risk can be mitigated by a focused campaign amongst underrepresented groups.

4.3.3 Continued vacancies amongst Independent Members may reduce public confidence in Standards Committee.

#### **5. Background Papers**

Advert and applications records held by the Borough Solicitor.

**Report Author and Title:** Nikolas Jacob, solicitor on behalf of Francis Fernandes,

Borough Solicitor and Monitoring Officer Northampton Borough  
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# Agenda Item 10

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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