

NORTHAMPTON BOROUGH COUNCIL

STANDARDS COMMITTEE

Your attendance is requested at a meeting to be held in The Jeffrey Room,
St. Giles Square, Northampton, NN1 1DE on Monday, 20 May 2013 at 4:00
pm.

D. Kennedy
Chief Executive

AGENDA

1. APOLOGIES
2. MINUTES
(Copy herewith)
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. STANDARDS COMMITTEE WORKING GROUP -
RECOMMENDATIONS RELATING TO THE APPOINTMENT OF INDEPENDENT PERSON(S)
(Copy herewith)
7. 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.

STANDARDS COMMITTEE

Monday, 10 December 2012

PRESENT: Councillor Yates (Chair); Councillor Capstick (Deputy Chair); Councillors Glynane, Oldham, Patel and Sargeant

1. APOLOGIES

Apologies were received from Councillors Eales and Flavell.

2. MINUTES

The minutes of the meetings of the Committee held on 18 June and 15 October 2012 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

Ms Sweetser commented that she had submitted a standards complaint on 2 June 2012 and had understood that under the transitional arrangements from the old system to the new it would be dealt with under the old process. She had been advised that her complaint would be dealt with under the new arrangements.

The Borough Secretary and Monitoring Officer reported that the Localism Act 2011 had abolished the old arrangements for dealing with standards complaints but that transitional arrangements which had been enacted meant that cases being dealt with under the old system, had to be completed in accordance with the new system. He confirmed that Ms Sweetser's complaint was still alive and would be dealt with under the new arrangements.

4. DECLARATIONS OF INTEREST

None.

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

None.

6. STANDARDS TRAINING UPDATE

The Borough Secretary and Monitoring Officer submitted a report that provided an update of the Member training sessions held on 19 November 2012 and elaborated thereon. He reported that some aspects of the new arrangements remained confused: at a recent meeting of District Secretaries no consensus had emerged as to the need for Councillors to declare interests or seek dispensations when taking part in and voting on budget/Council Tax decisions.

Mr Hughes remarked on a similar situation at Billing Parish Council where they had received conflicting advice from a number of bodies concerning the ability of Parish Councillors to take part in and vote on the parish budget.

In answer to questions the Borough Secretary and Monitoring Officer stated:

- It was a legal requirement that Disclosable Pecuniary Interests of a Member included those of a spouse or civil partner but did not have to be separately identified as such;
- Further advice was available in respect of interests through "close family members";

- Members of the Committee would, in effect, become champions for Standards within their Groups; and
- Copies of the training presentation would be circulated to all members.

RESOLVED: That the report be noted and that further consideration be given to further specific training for Committee Members following the circulation of the training course presentation.

7. CURRENT LEVEL OF COMPLAINTS

The Borough Secretary and Monitoring Officer submitted a report that set out an update on outstanding standards complaints and elaborated thereon. He noted that under the transitional arrangements Council had appointed Ian Harley, the former Chair of the previous Standards Committee, as the Independent Person but that this only lasted until July 2013. Further recruitment, probably of more than one Independent Person, would be necessary. To date, the Independent Person had been involved in all of the initial assessments and although no-one could step in to undertake this role for any reason of unavailability, Mr Harley had agreed to remain contactable.

In answer to questions the Borough Secretary and Monitoring Officer commented that:

- The Localism Act 2011 had simplified the old system. The Monitoring Officer was empowered to carry out initial assessments but hearings following an investigation into alleged breaches of the Code of Conduct would be conducted by the Committee;
- Any investigation that showed a potential criminal offence would be referred to the Police and subject to advice from them any consequent investigation by them would run in parallel to any investigation into an alleged breach of the Code of Conduct by the Monitoring Officer. Such circumstances were likely to be rare; and
- Timely arrangements would be put in hand for the recruitment of Independent Persons before the transitional arrangements ended in July 2013 and would include seeking applications from as broad a spectrum of the general public as possible and the consideration of appropriate remuneration (any final decision on appointment would be made by Council via a recommendation from the Committee).

RESOLVED: That the report be noted and that the Committee consider at its next meeting the arrangements for the recruitment of Independent Persons.

The meeting concluded at 17.41



NORTHAMPTON
BOROUGH COUNCIL

STANDARDS COMMITTEE REPORT

Report Title	Standards Committee Working Group – Recommendations relating to the appointment of Independent Person(s)
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AGENDA STATUS: Public

Committee Meeting Date:	20 th May 2013
Policy Document:	N/A
Directorate:	Borough Secretary

1. Purpose

- 1.1 To provide the Committee with an update on the progress of the Standards Committee Working Group (the “Working Group”) towards the recruitment of Independent Person(s); to advise the Committee of the conclusions of the Interview Panel; and to ask the Committee to make a recommendation to Full Council as to the appointment of Independent Person(s).

2. Recommendations

- 2.1 That Standards Committee note the update on the process that has been undertaken to recruit Independent Person(s) in accordance with the Localism Act 2011 (the “Act”).
- 2.2 That Standards Committee note the conclusions of the Interview Panel in relation to the appointment of Independent Person(s).
- 2.3 That Standards Committee make a recommendation to Full Council as to who should be appointed as this Council’s Independent Person(s) from 1st July 2013 following the end of the transitional period.
- 2.4 That Standards Committee accept the recommendation of the Working Group that an appropriate allowance for an Independent Person is £500 per year and to recommend this amount to Full Council.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The Act made changes to the system of regulation of standards of conduct for elected Councillors and any co-opted Members. On 21st June 2012 the Council adopted new standards arrangements which came into force on 1st July 2012 in accordance with the requirements of the Act. The new standards arrangements adopted by Council were the arrangements recommended to it by the previous statutory Standards Committee on 18th June 2012.
- 3.1.2 The Act requires the Council to appoint at least one Independent Person.
- 3.1.3 The functions of the Independent Person(s) as set out in the Act are:
- they must be consulted by the authority and their views taken into account before the authority makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member. (This means that their views must be sought on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);
 - they may be consulted by the authority in respect of a standards complaint at any other stage; and
 - they may be consulted by a member or co-opted member of the District Council or of a Parish Council against whom a complaint has been made.
- 3.1.4 The Council's *Arrangements for Dealing with Allegations of Breaches of the Northampton Borough Council Members' Code of Conduct and Codes of Conduct Adopted by Parish Councils* reflect the requirements of the Act and include the involvement of an Independent Person. The Arrangements set out full details of the role of the Independent Person.
- 3.1.5 Broadly, the Independent Person must be someone who is not (or has not recently been) an Officer of the Council or a Member or co-opted member of the Council or of any Parish Council within the Borough. Certain classes of relatives and close friends of Members and Officers are also prevented by law from being an Independent Person.
- 3.1.6 The Act states that a person may only be appointed as an Independent Person if:
- the vacancy has been advertised in such a manner as the authority considers is likely to bring the vacancy to the attention of the public;
 - the person has submitted an application to fill the vacancy to the authority; and

- the person's appointment has been approved by a majority of the members of the authority.

3.2 Current Independent Person

- 3.2.1 As Members will be aware, the current Independent Person is Ian Harley, who was Independent Chair of the previous statutory Standards Committee prior to the changes implemented by the Act. Ian Harley's appointment as Independent Person was ratified by Council on 22nd October 2012. Transitional provisions made under the Act allowed for previous independent members of statutory standards committees to be appointed as Independent Persons under the new arrangements for the duration of the transitional period which ends on 30th June 2013.
- 3.2.2 The law requires Ian Harley to cease to be the Independent Person after 30th June 2013.
- 3.2.3 The Council must in accordance with statute have appointed an Independent Person in order to operate its standards Arrangements. Therefore, in March 2013, the Working Group was set up comprising volunteers from the Standards Committee to facilitate the recruitment of at least one Independent Person to carry out the role from 1st July 2013.

3.3 The actions of the Working Group

- 3.3.1 The Working Group met on 15th March 2013. At this meeting the Working Group:
- Agreed a timetable for the recruitment process (working towards the requirement for the Full Council to approve the appointment of any Independent Person).
 - Agreed amendments to the draft Application Pack and job advertisement. (The final Application Pack is at Appendix 1 for Members' information) .
 - Agreed how and where the role should be advertised.
 - Agreed to recommend £500 per year to the Standards Committee and Council as an appropriate allowance amount.
- 3.3.2 The Borough Secretary advertised the role of Independent Person in accordance with the instructions of the Working Group. The position was advertised in the Chronicle and Echo and Herald and Post newspapers. It was also placed on 'Every Road Leads To Us', which is a shared online recruitment portal that is linked to the job vacancy webpages of each of the District Councils in the County. The Communications Department also did a news release about the role.
- 3.3.3 A number of enquiries and applications were received for the role. An Interview Panel comprising three members of the Working Group and the Monitoring Officer met to shortlist applications on 18th April 2013. Two

applicants were shortlisted for interview. Both applicants were interviewed by the Interview Panel on 30th April 2013.

- 3.3.4 The Interview Panel concluded that both applicants were eligible to carry out the role of Independent Person and were both appointable given the application criteria, although, there was some comment about the availability of one candidate given the requirements of the post.

3.4 Choices and Issues

- 3.4.1 The Standards Committee is therefore asked to consider whether one or both candidates should be recommended for appointment by Full Council.**

3.4.2 Recommending the appointment of more than one Independent Person

3.4.2.1 As stated in paragraph 3.1.2, the Act requires the Council to appoint at least one Independent Person, which leaves it open to the Council to choose to appoint more than one Independent Person. The Council's Arrangements do provide for the appointment of more than one Independent Person.

3.4.2.2 There are potentially some advantages associated with the appointment of more than one Independent Person. For example, it would mean that if one Independent Person was unavailable, the other could be called upon to provide their view, which would minimise the risk of any delay in the management of the process for dealing with standards complaints. There are inevitably peaks and troughs in the level of standards complaints at any one time. In times where the level of complaints is relatively high, it may be beneficial if there was more than one Independent Person available to consult with the Monitoring Officer, or with Councillors who have become the subject of a complaint as required. Appointing more than one Independent Person would be in line with the practice of a number of other Councils.

3.4.2.3 If the Council were to appoint more than one Independent Person upon the recommendation of the Standards Committee, it is likely that there would be a need to develop a Protocol or Guidance about how more than one Independent Person would operate within the standards framework. Further, if the Council was to appoint more than one Independent Person, there would be a need to pay each the agreed level of allowance.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 Not applicable.

4.2 Resources and Risk

4.2.1 As outlined in the body of the Report.

4.3 Legal

4.3.1 The legal implications are outlined in the body of the Report.

4.4 Equality

4.4.1 None directly arising from this Report.

4.5 Other Implications

4.5.1 None

5. Background Papers

5.1 None

**Francis Fernandes, Borough Secretary & Monitoring Officer,
01604 837334, ffernandes@northampton.gov.uk**



APPLICATION FORM

STANDARDS COMMITTEE

INDEPENDENT PERSON

NORTHAMPTON BOROUGH COUNCIL

INDEPENDENT PERSON APPLICATION

- A BACKGROUND INFORMATION**
- B FUNCTION AND RESPONSIBILITIES OF AN INDEPENDENT PERSON**
- C CRITERIA – INDEPENDENT PERSONS**
- D ELIGIBILITY FOR APPOINTMENT**
- E TERMS OF APPOINTMENT**
- F APPLICATION FORM**
- G DECLARATION**
- H CLOSING DATE AND CONTACT**

STANDARDS COMMITTEE

INDEPENDENT PERSONS

A BACKGROUND INFORMATION

The Localism Act 2011 (the “Act”) requires the Council to promote and maintain high standards of conduct by Members and co-opted Members of the Council.

The Council has therefore adopted a Members’ Code of Conduct which reflects the Nolan Principles of Public Life as required by the Act. The Nolan Principles are Selflessness; Integrity; Objectivity; Accountability; Openness; Honesty and Leadership.

Standards Committee

The Council’s Standards Committee has specific responsibility for promoting and maintaining high standards of conduct amongst Members and co-opted Members including involvement in the process for dealing with complaints that Members have breached the Code of Conduct. The Independent Person does not have a seat on the Standards Committee but will have the opportunity to be kept up to date with the Committee’s work.

Arrangements for dealing with allegations of breaches of the Members’ Code of Conduct

The Council has adopted formal arrangements for dealing with allegations of breaches of the Members’ Code of Conduct (the “Arrangements”). As required by the Act, these arrangements make provision for the appointment of at least one Independent Person whose views must be sought by the Council before it takes a decision on an allegation which it has decided warrants an investigation, and whose view can be sought by the Council at any other stage. The views of the Independent Person may also be sought by a Member against whom an allegation has been made.

Parish Councils

There are currently seven Parish Councils within the Borough of Northampton:

- Billing Parish Council
- Collingtree Parish Council
- Duston Parish Council
- Great Houghton Parish Council
- Hardingstone Parish Council
- Upton Parish Council
- Wootton and East Hunsbury Parish Council

Two new Parish Councils are due to be created on 1st April 2013.

Each Parish Council is responsible for adopting its own Code of Conduct which accords with the Nolan Principles. Northampton Borough Council is

responsible for dealing with allegations that Parish Councillors have breached their Parish Council's Members' Code of Conduct. The Arrangements adopted by the Council therefore also apply to Parish Councils within the Borough.

B FUNCTIONS AND RESPONSIBILITIES OF AN INDEPENDENT PERSON

1. To undertake the statutory role of Independent Person appointed under Section 28(7) of the Localism Act 2011 and to assist the Council to discharge its duty to promote and maintain high standards of conduct amongst Members and Co-opted Members.
2. To be consulted by the Monitoring Officer as required by the Monitoring Officer during the initial assessment of a complaint to determine whether it is admissible, whether it warrants formal investigation or is suitable for alternative resolution or whether it warrants no further action.
3. Following completion of any investigation, to review any Investigating Officer's report in consultation with the Monitoring Officer when required.
3. To provide their views to the Council before it makes a decision on an allegation that it has decided to investigate, and to be available to attend meetings of the Hearings Panel for this purpose.
4. Generally, to provide their views to the Council at any other stage of the Council's process for dealing with complaints against Members alleging breaches of the relevant Code of Conduct.
5. To be available for consultation by any elected or co-opted Member including any Parish Councillor who is the subject of a complaint and to provide their views as appropriate when sought.
6. To develop a sound understanding of the ethical framework as it operates within Northampton Borough Council and the Parish Councils within the Borough.
7. To participate in training events to develop skills, knowledge and experience relevant to assisting the Council in promoting high standards of conduct by elected and co-opted Members of the Council and by Parish Councillors within the Borough.
8. To act as an advocate and ambassador for the Council in promoting ethical behaviour.

C CRITERIA - INDEPENDENT PERSONS

An Independent Person will:

1. not be required to have any specific qualification or background, save a general interest in and capability to act impartially in a regulatory and consultative capacity
2. be committed to the need for high standards in public life and be aware of the views of the local community in relation to standards
3. have the ability to be objective, independent and impartial
4. understand and comply with confidentiality requirements
5. have a demonstrable interest in local issues and desire to serve the local community and uphold democracy
6. develop a sound understanding of the ethical and wider regulatory framework within which the Council operates
7. have an interest in public service and local government in particular
8. be of good standing in the community
9. be able to make judgements based on evidence or information presented in order to provide reasoned views

Please note you will be required to be contactable during normal working hours by telephone or e-mail and be available to attend hearings which may be held in the day time or evening.

Additional desirable skills/knowledge are as follows:

Working knowledge/experience of local government or other public service organisations or other large complex organisation.

Means of Assessment

Means of assessment will be by assessment of application form and by interview. You should demonstrate in your application form how you meet the above criteria as this will assist in the short listing process.

D ELIGIBILITY FOR APPOINTMENT

- A person **cannot** be appointed as an Independent Person if they:
 - 1) are, or have been within the past five years, a Member, co-opted Member or officer of the authority or of a parish council within the authority’s area; or
 - 2) are a relative or close friend, of a person within paragraph 1. For this purpose, “relative” means:
 - (a) the other person’s spouse or civil partner;
 - (b) living with the other person as husband and wife or as if they were civil partners;
 - (c) a grandparent of the other person;
 - (d) a lineal descendant of a grandparent of the other person;
 - (e) a parent, sibling or child of a person within paragraphs (a) or (b);
 - (f) the spouse or civil partner of a person within paragraph (c), (d) or (e); or
 - (g) living with a person within paragraph (c), (d) or (e) as husband and wife or as if they were civil partners.
- A person cannot be appointed as an Independent Person if they have been a member of any political party within the last five years or are actively engaged in party political activity.
- Please sign the declaration below to declare that you are not prohibited from being appointed as an Independent Person for any of the reasons stated in this Section and that you will notify the Borough Secretary of any relevant change of circumstances. If you are unable to sign this declaration, your application cannot be considered.

Signed *Dated:*

Print Name (in block capitals):

E. TERMS OF APPOINTMENT

- Appointment will be on a fixed basis until the Annual Council meeting in May 2015 and thereafter renewable for a period of four years.
- Appointment will be terminable by the Council at any time in the event of:
 - Incapacity
 - Failure to comply with any training requirements
 - Persistent failure to be available for consultation without good reason
 - Failure to observe the standards reasonably expected from an Independent Person AND in this context the Independent Person would be expected to refrain from any activity, political or otherwise, which would conflict with the impartial nature of the appointment
 - Failure to complete and keep updated a Register of Interests Form of such personal or pecuniary interests as the Council may from time to time consider appropriate for the Independent Person to declare
 - The Council giving three months' written notice
 - Any other reason/action which, in the view of the Council, is considered not to be commensurate with the expected standards from an Independent Person involved in the work of the Standards Committee and warrants termination
- Additionally, the Independent Person may by giving three months' written notice resign the appointment at any time. The Independent Person may decline to accept any renewal of a term of appointment.
- The role of the Independent Person is unsalaried, but an allowance of £500 will be paid (subject to the approval of the Full Council) in recognition of the role undertaken, in addition to reasonable expenses claimed for travel and subsistence when meetings have been attended, but otherwise, the work is entirely voluntary.
- In accordance with the Localism Act 2011, the appointment of the Independent Person has to be approved by a majority of the members of the Full Council.



NORTHAMPTON
BOROUGH COUNCIL

F. APPLICATION TO BECOME AN INDEPENDENT PERSON

1. Name _____ Title _____

Address _____

_____ Postcode _____

Day Time Telephone Number _____

Fax Number _____

e-mail address _____

2. Current or Most Recent Appointment (*If considered relevant*)

Employer _____

Address _____

_____ Postcode _____

Title Of Post _____

Dates From ____ / ____ / ____ To ____ / ____ / ____

Summary Of Duties _____

3. Previous Relevant Appointments
(list most recent first with dates and titles of post)

4. What experience do you have of dealing with local authorities?

5. Do you have experience in the conduct of hearings/meetings?

6. Do you have experience of disciplinary procedures on codes of conduct?

7. Why do you wish to serve as an Independent Person and what particular attributes do you believe you can bring to the work of the Standards Committee?

8. **Referees**— *please give the name of two referees, each of whom should have been known to you for at least three years*

Referee

Referee

Name

Name

Address

Address

.....

.....

.....

.....

.....

.....

Telephone
Number

Telephone
Number

9. Additional information

Please set out below any additional information relating to your suitability to carry out the role of Independent Person. (Please use extra sheets or separate sheets if you prefer).

.....
.....
.....
.....
.....

G DECLARATION

To the best of my knowledge and belief, the information given on this Application Form is correct.

Signature Date

Print Name (in block capitals)

H CLOSING DATE and CONTACT

The closing date for receipt of applications is **5pm on Monday 15th April 2013.** It is anticipated that interviews will be held in mid April.

Please return this form to the Borough Secretary’s Department, Legal Services, Northampton Borough Council, The Guildhall, St Giles Square, Northampton, NN1 1DE for the attention of Marianne McCarthy (tel: 01604 837343) or by e-mail to mmccarthy@northampton.gov.uk.