

CARLISLE CITY COUNCIL

Report to:- **THE STANDARDS COMMITTEE**

Date of Meeting:- 21 FEBRUARY 2005 and
8 MARCH 2005

Agenda Item No:-

Private*	Operational	Delegated: No
Public and Press excluded by virtue of Paragraph 1		

Accompanying Comments and Statements	Required	Included
Environmental Impact Statement:	No	No
Corporate Management Team Comments:	No	No
Financial Comments:	No	No
Legal Comments:	Yes	Yes
Personnel Comments:	No	No
Impact on Customers:		

Title:- **APPOINTMENT OF INDEPENDENT MEMBER**

Report of:- **THE HEAD OF LEGAL AND DEMOCRATIC SERVICES**

Report reference:- **LDS.05/05**

Summary:-

1. The composition of the Council's Standards Committee is 5 City Councillors, 2 Independent Members and 1 Parish Council Representative. Dr P Tiplady is a serving Independent Member and there is currently a vacancy following the expiry of Mr Fraser's term of office, the other Independent Member, on 12 September 2004. There is therefore a need for the full Council to appoint another Independent Member to bring the Committee up to full strength.
2. Members will be aware that, under current regulations, at least 1 Independent Member needs to be present for a meeting of the Standards Committee to be quorate.

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

3. Following the last meeting of the Committee, I placed an advert in the local press to seek expressions of interest from individuals wishing to serve as an Independent Member as required under current regulations.
4. I have now received an application from Mr Fraser indicating that he is willing to continue for a further term of office and a copy of his letter of application is attached as an Appendix to this Report.
5. The regulations on Independent Members (the Relevant Authorities (Standards Committee) Regulations 2001) state that the person appointed must not have been a Member or Officer of the Authority for at least five years preceding the date of appointment, nor be a relative or close friend of a Member or Officer of the Authority. Some guidance produced by the Standards Board for England on the criteria which Members may wish to have regard to in selecting an Independent Member is also attached for information.
6. The appointment has to be approved by a majority of the Council and it is suggested it would be appropriate for it to be for a term of three years.

Recommendation:-

Members of the Standards Committee are requested to consider the application received and agree a recommendation on the appointment of an Independent Member for consideration by Council for (it is suggested) a term of three years from the date of appointment.

Contact Officer: Ian Dixon

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J M Egan

Head of Legal and Democratic Services

24 January 2005

15D

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J M Egan Esq
Head of Legal & Democratic Services
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16th January 2005

Dear John

STANDARDS COMMITTEE

Thank you for sending me a copy of the advertisement regarding the above.

I confirm that I would be willing to serve for a further term as an Independent Member of the Standards Committee.

I spent my career as a Solicitor in Local Government, and indeed was Cumbria County Council's County Secretary and Solicitor for 21 years (under slightly differing titles!). During this time I was an active member of the Society of County Secretaries, having been Chairman in 1993-94, and having served two terms as Honorary Secretary, before and after my retirement.

Since retiring from the County Council, I have been a Part-Time Chairman of Employment Tribunals, from which post I have recently retired. I also was the legal member of the Standards and Conduct Committee of the Royal Town Planning Institute.

When I previously applied in July 2001, I said:

"I do have experience in this area, having over the years been responsible for drafting the Council's Guidance to Staff on Standards of Conduct, and the Conventions between the Political Parties when the County Council first found itself with no overall majority. I am familiar with local government law and administration, standing orders, the role of the Local Ombudsman and Auditor. I believe that the Standards Committee has the potential to play an important role in the overall administration of the authority, and can provide an effective way for dealing with complaints slightly detached from the main political arena."

I have been a Member of the Council's Standards Committee for the past three and a half years. I also served as a member of the Lake District National Park Authority's Standards Committee for 2 years.

I will soon be 69 - I would well understand should you choose to go for somebody younger on this occasion!

Yours sincerely,
A. Egan

Choosing an independent representative

You must choose the independent representative in a fair and open way.

A person can be an independent representative only if:

- he or she has not been a member or employee of your council within the five years before the date of appointment;
- he or she is not a relative or close friend of a member or employee of your council;
- he or she filled in an application for the position;
- he or she has been approved by the majority of members; and
- the position has been advertised in at least one newspaper distributed in your council's area.¹⁴

(Note: the rules above do not apply to standards committees which were set up before 28 August 2001 and can be treated as the council's standards committee for the purpose of Part III of the Local Government Act 2000. However, the rules will apply to such committees from 28 August 2003.)

If you are finding it difficult to appoint an independent representative, you should review the criteria of the advertisement and make sure they are realistic. For example, you could check that you are not asking the member to put in an unrealistic amount of time.

The qualities you look for in an independent representative will depend on the area your council serves, but you may want to see that the representative:

- is familiar with ethical dilemmas;
- has experience with committee work;
- has questioning skills;
- is assertive; and
- is independent of any political party and local government.

You could try advertising for an independent representative in a number of places (for example, places of adult learning, libraries or places of worship). You could approach someone your council considers appropriate for the position and tell him or her about the advertisement. Remember that all the selection criteria for the position will still apply, so even if you approach someone directly, they must still make a formal application.

¹⁴ Regulation 4 of the Relevant Authorities (Standards Committee) Regulations 2001.

At present, independent representatives are only entitled to allowances to cover travel and subsistence expenses and financial loss. However, the Government considered advice on a new allowances system last year. We are pressing them to allow independent representatives to claim a 'special responsibility' allowance.

**EXCERPT FROM THE MINUTES OF THE
STANDARDS COMMITTEE
HELD ON 21 FEBRUARY 2005**

ST.11.05 APPOINTMENT OF INDEPENDENT MEMBER

The Head of Legal and Democratic Services reported (LDS.5/05) that there was currently a vacancy on the Standards Committee following the expiry of an Independent Member's term of office.

He informed Members that he had placed an advert in the local press to seek expressions of interest from individuals wishing to serve as an Independent Member as required under the current regulations. The Head of Legal and Democratic Services circulated a copy of an application which had been received from Mr A Fraser indicating that he was willing to continue for a further term of office.

The Head of Legal and Democratic Services drew Members attention to the regulations with regards to the appointment of Independent Members and also circulated guidance which had been produced by the Standards Board for England on the criteria which Members should have regard to in selecting an Independent Member.

RESOLVED – That the City Council be recommended to agree to the re-appointment of Mr A Fraser as an Independent Member on the Standards Committee for a further three year term from the date of appointment.