

# AGENDA

## Standards Committee

**Friday, 31 March 2017 AT 14:00  
In the Slupsk Room, Civic Centre, Carlisle, CA3 8QG**

### **Apologies for Absence**

To receive apologies for absence and notification of substitutions

### **Declarations of Interest**

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

### **Public and Press**

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

## **PART A**

**To be considered when the Public and Press are present**

### **A.1 APPOINTMENT OF INDEPENDENT PERSON 3 - 8**

The Corporate Director of Governance and Regulatory Services to submit a report seeking the continuance of the term of office for one of the Council's Independent Persons.

(Copy Report GD.14/17 herewith)

## **A.2 STANDARDS ACTIVITY REPORT 2016/17**

**9 - 10**

The Corporate Director of Governance and Regulatory Services to submit an update on the Standards activity during the period 2016/17.

(Copy Report GD.15/17 herewith)

### **PART B**

**To be considered when the Public and Press are excluded from the meeting**

- NIL -

#### **Members of the Standards Committee**

**Conservative:** Mrs Bowman, Mrs Mallinson, Mrs Parsons, Mallinson J (sub), Morton (sub), Nedved (sub).

**Labour:** Mrs Bradley (Chairman), McDevitt, McDonald, Dr Tickner (Vice Chairman), Bell (sub), Stothard (sub)

**Enquiries, requests for reports, background papers, etc to Democratic Services Officer:**

**Rachel Plant 817039 or [rachel.plant@carlisle.gov.uk](mailto:rachel.plant@carlisle.gov.uk)**

# Report to Standards Committee

Agenda  
Item:

**A.1**

Meeting Date: 31 March 2017  
 Portfolio: Finance, Governance and Resources  
 Key Decision: Not Applicable:  
 Within Policy and  
 Budget Framework YES  
 Public / Private Public

Title: Appointment of Independent Person  
 Report of: Corporate Director of Governance & Regulatory Services  
 Report Number: GD.14/17

**Purpose / Summary:**

The Localism Act 2011 requires that the Council has at least one Independent Person (IP) to advise it in relation to Standards Matters (and other matters relating to any proposed dismissal of a statutory Chief Officer). The Council has two IPs and the term of one these expires on 30 June 2017 should the Council not choose to continue with the appointment. This Report seeks the continuance of the term of office for the said IP.

**Recommendations:**

That the Standards Committee recommend to Council that it continue the appointment of Keith Thomas as an Independent Person until a review date of 30 June 2021.

**Tracking**

Standards Committee	31 March 2017
Council:	25 April 2017

## **1. BACKGROUND**

- 1.1 The Localism Act 2011 introduced a new role of Independent Person to provide advice and guidance to the Monitoring Officer and Members who are the subject of a standards allegation. Following advertisement and full recruitment process it was agreed at a meeting of full Council on 16 July 2013 that Mr Keith Thomas be appointed Independent Person for a period until 30 June 2017. The Council also appointed Ms Jane Elliott (then Salmon) until 30 June 2016 and this appointment was subsequently continued until 30 June 2020.
- 1.2 Following changes to the Officer Employment Procedure Rules from May 2015 the Independent Person must be invited to be considered for appointment to any Panel which may be set up to deal with any disciplinary cases involving the Head of Paid Service, Monitoring Officer or Chief Finance Officer. Accordingly, the Council's IPs were co-opted onto the Employment Panel for relevant matters. If additional support is required then the Council can also call upon Independent Persons from neighbouring authorities for this.
- 1.3 Mr Thomas applied for the position of IP, was interviewed, and subsequently chosen by the Standards Committee, from amongst several other candidates, for the role of IP. The said Committee recommended Mr Thomas to Council as a suitable appointment. Nothing has altered Mr Thomas's suitability for the post, therefore, it is recommended that his appointment be continued for a four year period at which time it can be reviewed again. Mr Thomas has confirmed that he is willing to continue as one of the Council's IPs.
- 1.4 If the Council does not continue with Mr Thomas's appointment then it will be necessary to advertise for a new Independent Person and it is likely that, due to his co-option as a member of the Employment Panel, he will not be able to apply. This is a quirk of the legislation unforeseen by the legislative draftsmen.

## **2. PROPOSALS**

- 2.1 It is proposed that it be recommended to Council that Mr Keith Thomas's appointment as Independent Person be continued until 30 June 2021.

## **3. CONSULTATION**

- 3.1 Mr Thomas has been consulted to ascertain whether he would be prepared to continue as one of the Council's IPs; he confirmed that he is.
- 3.2 The Chair of the Standards Committee was consulted to confirm that she was content for this Report and proposal to be put before the Standards Committee.

## **4. CONCLUSION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The best route to retain an IP as required by the Law is as detailed in the Report.

## **5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES**

**5.1** Having an IP to play a role in both Standards and the Employment Panel is both required by Law and also contributes to the proper, transparent running of the authority; factors which assist us in delivering our local plan priorities.

**Contact Officer:** Mark Lambert

**Ext:** 7019

**Appendices attached to report:** Extract from the recruitment pack including role description.

**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:

- Report GD37.13

### **CORPORATE IMPLICATIONS/RISKS:**

**Chief Executive's - None**

**Deputy Chief Executive – None**

**Economic Development – None**

**Governance – Governance report.**

**Local Environment – None.**

**Resources –** The IP is paid an allowance which is within the approved budget.

**INDEPENDENT PERSON  
SELECTION CRITERIA  
SKILLS AND COMPETENCIES**

An 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.

An 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 at all times 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.
- a member, co-opted member or officer of a parish council in the District Council's

area, or a relative or close friend of the above. However, by virtue of transitional arrangements this will not prevent existing independent members of the Council's Standards Committee from being eligible to apply for the role.

## **ROLE OF INDEPENDENT PERSON – CARLISLE CITY COUNCIL ROLE DESCRIPTION**

Responsible to: The Council

Liaison with: Monitoring Officer, members of the Standards Committee, officers and members of the City Council and Town and Parish Councillors within the district.

1. To assist the Council in promoting high standards of conduct by elected and coopted members of Carlisle City Council and town and parish councillors and in particular to uphold the Code of Conduct adopted by the Council concerned 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 before a decision is made on an allegation and to be available to attend meetings of the Hearing Panel for this purpose.
3. To be available for consultation through the Monitoring Officer before a decision is taken as to whether to investigate a complaint or to seek a local resolution.
4. To be available for consultation by any elected member, including town and parish councillors, who is the subject of a complaint.
5. To develop a sound understanding of the ethical framework as it operates within the Council and town and parish councils in the district.
6. To participate in training events to develop skills, knowledge and experience.
7. To attend training events organised and promoted by the Council.
8. To act as advocate and ambassador for the Council in promoting ethical behaviour.





# Report to Standards Committee

Agenda  
Item:  
**A.2**

Meeting Date: 31 March 2017  
 Portfolio: Finance, Governance and Resources  
 Key Decision: Not Applicable:  
 Within Policy and Budget Framework YES  
 Public / Private Public

Title: Standards Activity Report 2016/17  
 Report of: Corporate Director of Governance & Regulatory Services  
 Report Number: GD.15/17

**Purpose / Summary:**

The Report provides Members with an update as regards Standards activity during the period 2016/17.

**Recommendations:**

That the Standards Committee note the Report.

**Tracking**

Standards Committee	31 March 2017
Council:	

## **1. TRAINING UPDATE**

- 1.1 All newly elected Members have received training on the Code of Conduct.
- 1.2 In addition, it is beneficial for other Members to also have refresher training available to them should they wish to undertake it. To this end, refresher training has been organised to take place before the informal Council session on 13 June 2017.

## **2. CODE OF CONDUCT UPDATE**

- 2.1 We have received two code of conduct complaints, one relating to a Parish Councillor and the other in respect of a City Councillor.
- 2.2 The complaint relating to the Parish Councillor was reviewed by the Monitoring Officer, the Chair of the Standards Committee and the Independent Person and was deemed sufficient to be progressed to a formal investigation. This has been concluded and, at the time of writing, the matter is felt suitable for local resolution. If this is not possible then the matter will be referred for a formal hearing before the Standards Committee.
- 2.3 The complaint relating to the City Councillor was considered by the Monitoring Officer, the Chair of the Standards Committee and the Independent Person. It was deemed not to reach the threshold to warrant a formal investigation.

## **3. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES**

- 3.1 The Code of Conduct regime contributes to the proper, transparent running of the authority; factors which assist us in delivering our local plan priorities.

**Contact Officer:** Mark Lambert

**Ext:** 7019

**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.

### **CORPORATE IMPLICATIONS/RISKS:**

**Chief Executive's - None**

**Deputy Chief Executive – None**

**Economic Development – None**

**Governance – Governance report.**

**Local Environment – None.**

**Resources – None.**