

<b>Committee/Meeting:</b> Standards Advisory Committee	<b>Date:</b> 24 <sup>th</sup> October 2013	<b>Classification:</b> Unrestricted	<b>Report No:</b>
<b>Report of:</b> Service Head, Democratic Services <b>Originating officer(s):</b> John Williams		<b>Title:</b> Appointment of Independent Person, Reserve Independent Person and Co-opted Members of SAC  <b>Wards Affected:</b> All	

## 1. SUMMARY

### (a) Independent Person and Reserve Independent Person

- 1.1 A key element in the new standards regime introduced by the Localism Act 2011 is the appointment of at least one Independent Person to advise the Council on any allegation it is considering, and who may also provide advice to a member facing an allegation who has sought the views of that person.
- 1.2 In accordance with transitional arrangements the Council on 18<sup>th</sup> June 2012 appointed Barry O'Connor, former Independent Chair of the Standards Committee, to serve as the interim Independent Person until 30<sup>th</sup> June 2013. SAC on 12<sup>th</sup> July 2012 agreed a process for recruitment of an Independent Person and Reserve Independent Person. That process is now complete and the Council on 26<sup>th</sup> June 2013 made the following appointments:-

**Independent Person:-** That **Ms Elizabeth Hall** be appointed as Independent Person with effect from 1<sup>st</sup> July 2013 for a term of office of three years.

**Reserve Independent Person:-** That **Ms Ezra Zahabi** be appointed as Reserve Independent Person with effect from 1<sup>st</sup> July 2013 for a term of office of three years.

- 1.3 The Independent Person and Reserve Independent Person will be invited to attend meetings of the Standards Advisory Committee as observers.

### (b) Co-opted Members of the Standards Advisory Committee (SAC)

- 1.4 The membership of the SAC includes up to seven persons who are not Members or officers of the Council to be appointed as voting co-opted members. The co-opted members are appointed by the Council, for a term of office of four years unless otherwise determined by the Council.
- 1.5 As at the Annual Council Meeting in May 2013, two of the seven co-opted positions on the SAC were vacant. Subsequently another of the co-opted members, Mr Denzil Johnson, gave notice that due to business commitments

he would be unavailable for a period of approximately eight months, until the end of April 2014.

- 1.6 The Committee had previously indicated its intention to recommend the re-appointment as a co-optee of Mr Barry O'Connor, following the completion of his appointment as the interim Independent Person. The remaining vacancies were advertised and the Council on 18<sup>th</sup> September 2013 made the following appointments:-

**Co-opted Members:-** That **Mr Barry O'Connor** and **Mr John Pulford MBE** each be appointed as co-opted members of the Standards Advisory Committee for a term of office of four years.

**Temporary Co-opted Member:-** That **Mr Grenville Mills** be appointed as a co-opted member of the Standards Advisory Committee, to replace Mr Denzil Johnson for the period until 30<sup>th</sup> April 2014; and that **Mr Denzil Johnson** be re-appointed to the Committee with effect from 1<sup>st</sup> May 2014 until the expiry of his original term of office in May 2016.

## **2. RECOMMENDATIONS**

- 2.1 That the Committee note the appointments made by the Council on 26<sup>th</sup> June 2013 and 18<sup>th</sup> September 2013.

## **3. BACKGROUND – INDEPENDENT PERSON**

- 3.1 The Localism Act 2011 required the Council to adopt a new Code of Conduct consistent with a number of principles set out in the Act, and arrangements for dealing with any alleged breach of the Code.
- 3.2 The arrangements adopted by the Council must include provision for the appointment by the Council of at least one Independent Person. The statute states that the Independent Person(s) must be appointed following a public advertisement and recruitment process and his/her appointment must be confirmed by the majority of Councillors at the full Council meeting. The Act sets out specific statutory prohibitions on who can be an Independent Person and excludes previous and current members and Co-optees, their relatives and close friends.
- 3.3 The Independent Person must be consulted by the authority before it 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. They may be consulted by the authority in respect of a standards complaint at any other stage. Independent Persons may be invited to attend meetings of the Standards (Advisory) Committee, but are unlikely to be co-opted onto the Committee. Instead their role is one of consultation in respect of any investigation of an alleged breach of the Code before the Council takes a decision in relation to the allegation.
- 3.4 The Act provides that the former co-opted Independent Members of Tower Hamlets' Standards Committee, together with members and officers of the

authority, cannot serve as Independent Persons for a period of 5 years. However, transitional measures included in the Localism Act 2011 (Commencement No.6 and Transitional, Savings and Transitory Provisions) Order 2012 allowed a local authority, if it wished, to appoint a person who was an Independent Member of the former Standards Committee as its 'Independent Person' for an interim period extending no later than 30<sup>th</sup> June 2013. Accordingly the Council agreed on 18<sup>th</sup> June 2012 that to provide continuity, the former Chair, Barry O'Connor, would be appointed as the interim Independent Person until the recruitment process was complete.

#### **4. A RESERVE INDEPENDENT PERSON**

- 4.1 As stated above the Independent Person may be consulted by a member or co-opted member of the Council against whom a complaint has been made. It would be inappropriate for an Independent Person who has been consulted by the member against whom the complaint has been made, and who might as a result be regarded as prejudiced on the matter, to be involved in the advisory role at the investigations stage of that complaint.
- 4.2 The Act gives discretion to appoint one or more Independent Persons, but provides that each Independent Person must be consulted before any decision is taken on a complaint which has been investigated. Accordingly, there would appear to be little advantage in appointing more than one Independent Person or the process will be unwieldy. The Standards Advisory Committee therefore agreed that a Reserve Independent Person should be appointed who can be consulted in the event that the Independent Person is unable to discharge the function for any reason.

#### **5. INDEPENDENT PERSON (IP)/RESERVE IP: RECRUITMENT PROCESS**

- 5.1 The Council on 18<sup>th</sup> June 2012 agreed that the Monitoring Officer be authorised to make arrangements to advertise for, and together with a panel drawn from the Standards Advisory Committee in accordance with proportionality to take the necessary action to appoint, an Independent Person and a reserve Independent Person, whose appointments shall be confirmed by the Council.
- 5.2 The Standards Advisory Committee on 12<sup>th</sup> July 2012 agreed a recruitment process to include the advertisement of the position, initial longlisting of applications received by the Monitoring Officer, Chair of Standards Advisory Committee and Interim Independent Person, interviews by the proportionate panel of members and finally a report to the Council and confirmation of appointment(s).
- 5.3 The advertisement was placed as agreed in late September 2012 but no applications were received at that time. A subsequent advertisement in April 2013 in East End Life and another local newspaper, accompanied by publicity to local community groups and businesses, was more successful and 12 applications were received.

- 5.4 The standard of the applicants was high and the longlisting panel identified five candidates for consideration by Members, of whom three were shortlisted for interview. The interview panel comprised of Mr Matthew Rowe (Independent Chair, Standards Advisory Committee); Councillors David Edgar, Judith Gardiner, Motin Uz-Zaman and Zara Davis (Councillor Abdul Asad was unfortunately unwell and sent his apologies for absence); the Interim Independent Person and the Monitoring Officer.
- 5.5 The panel met on Tuesday 11<sup>th</sup> June 2013 and interviewed the three shortlisted candidates. The panel agreed that **Ms Elizabeth Hall** should be recommended for appointment as the Independent Person and that **Ms Ezra Zahabi** should be recommended for appointment as the Reserve Independent Person. These appointments were approved unanimously by the Council on 26<sup>th</sup> June 2013.
- 5.6 The Council also agreed that the remuneration for the Independent Person and Reserve Independent Person be set at the level of £117 for each matter on which they are required to provide advice and for each attendance at a committee meeting or training event that is required in connection with the role (this is the same sum that is payable to a co-opted members of the Committee for each attendance).

## **6. CO-OPTED MEMBERS OF THE STANDARDS ADVISORY COMMITTEE**

- 6.1 The membership arrangements agreed by the Council for the Standards Advisory Committee (SAC) provide for up to seven persons who are not Members or officers of the Council or any other relevant authority to be appointed to the Committee as co-opted members. The co-opted member(s) are entitled to vote at meetings under the provisions of S13 (4) (e) of the Local Government and Housing Act 1989; and the Standards Advisory Committee must be chaired by one of the co-opted members. Co-opted members are appointed by the Council, for a term of office of four years unless the Council determines otherwise.
- 6.2 The full SAC is programmed to meet on a quarterly basis and in addition ad hoc meetings may be called of the Investigation and Disciplinary, Hearings or Dispensations Sub-Committees, each of which will include a minimum of three members at least two of who shall be co-opted members.
- 6.3 When the Standards Advisory Committee was first established in July 2012, six of the seven independent members of the former Standards Committee were appointed as co-opted members of the SAC for a four year term of office to May 2016, as follows:-

Mr Matthew Rowe (Chair);  
Ms Salina Bagum;  
Mr Denzil Johnson;  
Mr Barry Lowe;  
Mr Eric Pemberton; and  
Ms Sue Rossiter;.

- 6.4 The seventh former independent member (and Chair) of the Standards Committee, Mr Barry O'Connor was appointed in 2012 as the interim statutory 'Independent Person' (IP) under the new standards arrangements and was therefore not appointed as a co-opted member of the SAC at that time, although it was agreed that once his interim appointment as the IP finished he would be appointed to the new committee and a co-opted position was held vacant for this purpose. Mr O'Connor's appointment as the interim IP ended on 30<sup>th</sup> June 2012 following Ms Elizabeth Hall's appointment as the IP.
- 6.5 A further vacancy arose on 17<sup>th</sup> January 2013 when Ms Sue Rossiter tendered her resignation from the Advisory Committee. In addition, Mr Denzil Johnson gave notice that due to professional commitments he would be unavailable for SAC duties from September 2013 until the end of April 2014.
- 6.6 A recruitment process therefore took place with a view to recommending the appointment of a new co-opted member to replace Ms Rossiter, and possibly also a temporary appointment to cover for Mr Johnson's absence.

## **7. CO-OPTED MEMBERS: RECRUITMENT PROCESS**

- 7.1 The vacancies were advertised in East End Life on 1<sup>st</sup> July 2013 and this was accompanied by publicity to local community groups and businesses. Applications were received from a strong field of candidates and seven applicants were shortlisted for interview by Members. A cross-party interview panel of Members, comprising of Mr Matthew Rowe (Independent Chair, Standards Advisory Committee); Councillors Rofique Ahmed, David Edgar, Emma Jones and Motin Uz-Zaman was convened on Monday 9<sup>th</sup> September to carry out the interviews.
- 7.2 Following the interviews, the panel agreed that appointments should be made both to the full vacant position and to the temporary vacancy. Accordingly they recommended the Council:-
- (a) That Mr Barry O'Connor and Mr John Pulford MBE each be appointed as co-opted members of the Standards Advisory Committee for a term of office of four years.
  - (b) That the Council note that Mr Denzil Johnson has given notice that he will be unable to undertake his duties as a co-opted member of the SAC during the period from now until the end of April 2014; and
  - (c) That Mr Grenville Mills be appointed as a co-opted member of the Standards Advisory Committee, to replace Mr Denzil Johnson for the period until 30<sup>th</sup> April 2014; and that Mr Denzil Johnson be re-appointed to the Committee with effect from 1<sup>st</sup> May 2014 until the expiry of his original term of office in May 2016.
- 7.4 These recommendations were agreed by the Council on 18<sup>th</sup> September 2013.

## **8. COMMENTS OF THE CHIEF FINANCIAL OFFICER**

- 8.1 The costs of the recruitment exercise and the Independent Persons' and co-opted members' remuneration will be met from within existing budgets in the

Chief Executive's Directorate. The Council has previously agreed as part of the scheme of members' allowances that co-opted members shall be paid an allowance of £117 for each authorised attendance. This is broadly in line with the London Councils Independent Remuneration Panel (2010) recommended figure of £127.

## **9. LEGAL SERVICES COMMENTS**

- 9.1 The Localism Act 2011 introduced a number of changes to the Standards regime. These include a requirement to appoint at least one Independent Person. The Act provides that the appointment of any Independent Person shall not have effect unless approved by a majority of the members of the authority. The Authority has amended its own arrangements in line with the requirements of the Localism Act, including the establishment of a Standards Advisory Committee with provision for voting co-opted members under the provisions of S13 (4) (e) of the Local Government and Housing Act 1989.

## **10. ONE TOWER HAMLETS CONSIDERATIONS**

- 10.1 The recruitment exercises were designed to attract a diverse range of candidates and the selection criteria against which candidates were assessed included demonstrating a commitment to promoting equality and an awareness of the issues affecting a diverse community in an inner London borough

## **11. STRATEGIC ACTION FOR A GREENER ENVIRONMENT**

- 11.1 There are no implications arising from this report.

## **12. RISK MANAGEMENT IMPLICATIONS**

- 12.1 There are no implications arising from this report.

## **13. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 13.1 There are no implications arising from this report.

## **14. EFFICIENCY STATEMENT**

- 14.1 There are no implications arising from this report.

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### **Local Government Act, 1972 Section 100D (As amended) List of "Background Papers" used in the preparation of this report**

Brief description of "background papers"	Name and telephone number of holder and address where open to inspection.
None	n/a