

CONSTITUTION COMMITTEE – 26 SEPTEMBER, 2001**NEW ETHICAL FRAMEWORK REGULATIONS
AND APPOINTMENT OF INDEPENDENT MEMBERS
TO STANDARDS COMMITTEE****REPORT OF THE CHIEF EXECUTIVE****Purpose of Report**

1. The purpose of this report is to inform the Committee of new Government Regulations relating to the ethical framework and to seek approval to proposed arrangements for the appointment of Independent Members to the Council's Standards Committee.

Background

2. The terms of reference of the Constitution Committee include the function of advertising and interviewing suitable people for recommendation to the County Council for appointment as an Independent Member of the Standards Committee.
3. In December 2000 the then Department of the Environment, Transport and the Regions issued a consultation paper on the establishment of Standards Committees and the procedures under which such Committees were to operate. At its meeting on 7th March, 2001 the County Council agreed the comments it wished to make in response to that paper. The Government has now issued the Relevant Authorities (Standards Committees) Regulations 2001 which came into force on 28th August. The final recommendations reflect comments made by local authorities in the consultation exercise and, pleasingly, the County Council's own comments have been accommodated.
4. The main features of the regulations are as follows:-
 - Where a Standards Committee has more than three members, at least 25% must be independent members. (The County Council has appointed five elected members to its Standards Committee and, if this is to remain unchanged, the Council will need to appoint 2 independent members).
 - The appointment must be.
 - approved by a majority of members of the Council
 - advertised in one or more newspapers circulating in the area
 - of a person who has submitted an application
 - of a person who has not within a period of five years immediately preceding the date of appointment been a member or officer of the authority.
 - a person who is not a relative or close friend of a member or officer of the authority.

- A meeting of the Standards Committee shall not be quorate unless at least three members, including at least one independent member, is present (the draft regulations required two independent members to be present in the case of Committees comprising 4 members or more and this is the main point on which the County Council made representations).
 - Standards Committees are not required to act in accordance with all of the Access to Information provisions contained in the Local Government Act 1972. Meetings of the Committee do not have to be open to the public, nor do agendas or reports have to be open for public inspection or be available at least three clear days before the meeting. Similarly, minutes and other documents do not need to be made available. The names of independent members will not need to be made public on a register unlike members of other bodies. However authorities can still choose to apply the full Access to Information provisions to Standards Committees where they so wish. (It is proposed to continue to apply the Access to Information Provisions relating to advertising meetings and making documents available until such time as the Standards Committee itself believes that a change in the arrangements is necessary to facilitate its workings).
5. Now that these regulations have been made, the County Council's Standards Committee will be unable to function properly until the Council has appointed Independent Members to the Committee. It is therefore important that the process is proceeded with as quickly as possible. The Government has said that it hopes to be in a position to produce its model code for members' conduct in October 2001 and a model code of employees' conduct in January 2002, both of which will need to be considered by the Standards Committee prior to submission to the County Council.
6. The Committee is therefore asked to consider the following proposals relating to the interview and appointment of independent members:-

Advertisement

It is suggested that notices should be included in the Leicester Mercury and all six weekly papers circulating in the County and on the County Council's Web Site. Unfortunately, the timescale is such that it would not be appropriate to use "Leicestershire Matters" as a means of publication on this occasion.

An appropriate application form will be sent to people who express an interest in applying, together with an explanatory note giving guidance on the role and functions of the Standards Committee.

Person Specification

In addition to the statutory requirements it is suggested that applicants should be able to demonstrate that they have the following attributes in order to be able to carry out the function of an independent member:-

- a working knowledge/experience of local government or some other aspect of the public service and of the political process.
- a commitment to the general principles governing the conduct of members generally and matters of probity and integrity in particular.
- able to understand legislative provisions and apply them in specific circumstances.
- able to assimilate information/evidence quickly and arrive at balanced judgements.
- able to communicate effectively and operate in co-operation with others in a committee setting.

Remuneration

Independent members will be eligible to receive allowances as determined by the Council following advice from the Independent Remuneration Panel. The Government has recently issued a consultation paper on its proposals and new regulations are expected shortly. In the meantime, Independent Members will be eligible to receive Financial Loss Allowance and travel and subsistence expenses as prescribed by the Secretary of State.

Interview Arrangements

It is suggested that the Chief Executive should be authorised to select a list of applicants for interview in consultation with the Chairman of this Committee.

The interviews will need to be conducted by the full Committee since the Committee has no powers to establish subcommittees except in relation to members' allowances.

Timetable

The appointments must be approved by a majority of members of the authority. Therefore, it would seem that the earliest practical time at which this could be done would be the County Council meeting on 28th November, 2001.

Recommendation

7. The Committee is recommended:-
- (a) to note the new statutory provisions relating to the operation of Standards Committees and appointment of independent members; and
 - (b) to authorise the Chief Executive to make the necessary arrangements for the appointment of independent members on the basis set out in this report.

Circulation under Sensitive Issues Procedure

None.

Background Papers

Letter dated 10th August, 2001 from the Department for Transport Local Government and the Regions.

Officer to Contact

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