

AGENDA ITEM: 12.1	Page nos. 20 - 25
Meeting	Council
Date	17 May 2010
Subject	Appointment of Independent Members to the Standards Committee
Report of	Director of Corporate Governance and Monitoring Officer
Summary	This report informs the Council about the Independent Member recruitment exercise and seeks Council's approval for the appointment of two Independent Members to the Standards Committee.

Officer Contributors	Jeff Lustig, Director of Corporate Governance (Monitoring Officer), Seye Aina, Senior Governance Advisor
Status (public or exempt)	Public
Wards affected	All
Enclosures	None
For decision by	Standards Committee
Function of	Council
Reason for urgency / exemption from call-in (if appropriate)	N/A
Contact for further information:	Seye Aina, Senior Governance Advisor 020 8359 7156, seye.aina@barnet.gov.uk

1. RECOMMENDATIONS

- 1.1 That Council approves the appointment of Stephen Ross and Tanya Rachelle Elise Ossack as Independent Members of the Standards Committee.**
- 1.2 The appointment of Mr. Stephen Ross will be for a fixed term of four years from May 2010 until May 2014, subject to annual re-appointment which is approved by Council.**
- 1.3 The appointment of Ms. Tanya Rachelle Elise Ossack will be to replace Independent Member Rabbi Collick, serving the remainder of his four year term of office. The appointment will be for a fixed term from May 2010 until May 2012, subject to annual re-appointment which is approved by Council.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 17 September 2007 – The Standards Committee made recommendations to the Special Committee (Constitution Review) in respect of a report on Terms of Office for and Recruitment of Independent Members.**
- 2.2 26 November 2007 – The Special Committee (Constitution Review) considered the report previously considered by the Standards Committee in respect of fixed terms of office for Independent Members and in association with it made a recommendation as to the size of the Standards Committee in the next municipal year.**
- 2.3 29 January 2008 (Ordinary Meeting) - Council considered the recommendations from the Special Committee (Constitution Review). Council agreed the size of the Standards Committee and that Sub-committees be established. It also agreed four year fixed terms for Independent Members and instructed that a public advertisement and recruitment exercise for new Independent Members be undertaken. Council gave direction concerning the position of the incumbent Independent Members and dates on which their existing terms of office would be deemed to end.**
- 2.4 On 15 April 2008 - Council considered the recommendations from the Special Committee (Constitution Review) and agreed changes to the Constitution, including those relating to the terms of office for Independent Members.**

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Under the Council's Corporate Plan for 2009/10, one of the corporate priorities is 'More Choice, Better Value' and a key objective within this priority is 'enhancing and further developing corporate governance'. The information in this report relates to the corporate governance arrangements around the Standards Committee and its operation. The Standards Committee has a vital role in the corporate governance of the Council.**

4. RISK MANAGEMENT ISSUES

- 4.1 The decisions made in regard to the establishment of fixed terms of office for Independent Members and re-appointment were taken with the aim of achieving a**

balance between retaining experienced Members and facilitating opportunities for other residents to apply for a position. There is a risk that if an Independent Member becomes associated with the Council for an extended period they may lose their independence, or be perceived to have done so. However, there can be significant benefit to the Council from experienced Independent Members, particularly in the role of Chairman.

- 4.2 It is important to ensure that Independent Members are persons of impartiality and in whom the public can have confidence. The Council is entitled to set an eligibility criteria that is designed to ensure the impartiality and perceived impartiality of the Independent Members of the Standards Committee.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The nominees were selected on merit from amongst those who applied and met the appointment criteria. However, insofar as this was possible within the cohort of applicants, we were mindful of the importance of the Standards Committee membership reflecting the diversity of the borough.

6. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

- 6.1 There are no financial, staffing, ICT or property implications directly arising from this report.

7. LEGAL ISSUES

- 7.1 The Standards Committee (England) Regulations 2008, as laid before Parliament on 17 April 2008 and which came into force on 8 May 2008, require that a person may only be appointed as an Independent Member of a Standards Committee if the appointment is;
- a) approved by a majority of the members of the authority;
 - b) advertised in one or more newspapers circulating in the area of the authority, and in such other publications or Websites as the authority considers appropriate;
 - c) of a person who submitted an application to the authority.

- 7.2 The full Council appoints Members to its Committees, including the Independent Members of the Standards Committee and this meets the first requirement above. The second requirement was met by the placing of an advertisement in the Barnet Press in February 2010. An advertisement was also placed at local libraries and the Barnet on-line website.

- 7.3 The appointments recommended in this report have been made following interviews conducted by the Chief Executive and the Director of Corporate Governance and Monitoring Officer. This process of Senior Officers conducting interviews and making recommendations to the Council reconciles with the need for selection through a transparent and accountable recruitment process with appointment by the Council. It is also consistent with previous Council practice.

- 7.4 The Barnet specific recruitment pack was compiled in accordance with the Council's instructions. That is with reference to the model pack issued by the Association of

Council Secretaries and Solicitors (ACSeS) and other guidance. The “Barnet pack” stipulates that a person is ineligible to be appointed as an Independent Member of the Standards Committee if he or she;

- a) is now, or has been during the last five years, a Councillor or employee of the London Borough of Barnet; or
- b) is closely associated with anyone who is now, or has been in the last five years, a Councillor or employee of the London Borough of Barnet; or
- c) is, or has been during the last five years, an active member of any political party; or
- d) has, or has had in the last five years, a public profile in relation to political activities; including having been involved, in a lead or prominent role, in a significant contentious issue involving the Council.
- e) The Standards Committee (England) Regulations 2008, published on 17 April 2008, also extends the prohibition to Members and Officers of other local authorities from serving as Independent Members of the relevant local authority's Standards Committee.

8. CONSTITUTIONAL POWERS

8.1 Rule 2 of the Council Procedure Rules specifies that at the Annual Meeting, the Council will:

- i. decide which committees to establish for the municipal year;
- ii. decide the size and terms of reference of those committees;
- iii. decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;
- iv. receive nominations of councillors to serve on each committee and outside body; and
- v. appoint to those committees and outside bodies except where appointment to those outside bodies has been delegated by the Council or is exercisable only by the executive.

8.2 By Article 9 of the Constitution, the Standards Committee is empowered with promoting and maintaining the high standards of conduct by Members and co-opted Members, assisting Members to observe the Code of Conduct, advising the Council on the Code and monitoring its operation. It also has powers to grant dispensations relating to registrable interests and to grant exemptions from political restriction. It will appoint sub-committees to carry out its roles and functions related to the assessment, review and referral of allegations regarding breach of conduct and those related to determination and application of sanction in such cases.

8.3 By Article 9.03 (e) of the Constitution, if an Independent Member of the Standards Committee should resign or otherwise leave office before the end of their term any replacement independent member would serve the remainder of that four year term of office.

8.4 By Article 9.03(d) of the Constitution, those Independent Members appointed subsequent to May 2008, are limited to two consecutive full fixed terms of office.

9. BACKGROUND INFORMATION

- 9.1 At its January 2008 meeting, the Council agreed an increase the size of the Standards Committee to 13, including 7 Independent Members, and instructed the Chief Executive and Director of Corporate Governance and Monitoring Officer to conduct a recruitment exercise in order that appointments could be made at this Annual Meeting. The Council also agreed that Independent Members should be appointed for a fixed term of four years and be limited to two consecutive terms of office. It also made some associated decisions about the fixed terms of those currently serving.
- 9.2 The first Independent Member vacancy arises as a result of the four year term of Mr. Stephen Ross coming to an end in May 2010. The second position arises in relation to Rabbi Jeremy Collick, an Independent Member, who, primarily due to his very extensive pastoral commitments, has only been able to attend 2 of the 8 scheduled Standards Committee meetings since his appointment in 2008. Whilst Rabbi Collick has participated in some Sub-Committee hearing panels, it is necessary to draw Council's attention to the difficulties that he has experienced in being able to attend the scheduled meetings of the Committee. In the circumstances, the Chief Executive and the Director of Corporate Governance and Monitoring Officer have reluctantly come to the view that they must recommend that the appointment of Rabbi Collick as an Independent Member be terminated and that he be replaced by a new Independent Member.
- 9.3 In February 2010, advertisements for the positions of Independent Member of the Standards Committee were placed in the Barnet press, local libraries and the Barnet on-line website. A Barnet specific recruitment pack, with reference to the model pack issued by the Association of Council Secretaries and Solicitors (ACSeS) was produced and sent to anyone requesting a copy in response to the advertisements.
- 9.4 Four completed applications were received by the closing date of 15 March 2010. Shortlisting was completed shortly after the closing date. It was agreed that all four applicants met the requisite criteria and they were all invited for an interview.
- 9.5 The Chief Executive and the Director of Corporate Governance (Monitoring Officer), conducted interviews on 22 March 2010. Following interviews, they agreed to recommend that Council re-appoint Stephen Ross as an Independent Member of the Standards Committee for a further four year term of office and also appoint Ms Tanya Rachelle Elise Ossack until May 2012. Both of the recommended appointees are Barnet residents.
- 9.6 The applicants recommended for appointment as an Independent Members of the Standards Committee are:

Mr. Stephen Ross - currently an Independent Member and Vice-Chairman of the Standards Committee. He is Executive Director at Leo Baeck College and a Chartered Insurance Broker and an Accountant by profession. He is a Fellow of the Chartered Insurance Institute and Fellow of the Royal Society for Arts. He is also a Member of the Charity Finance Directors Group, the British Insurance Brokers Association and the Association of University Administrators.

Ms. Tanya R. E. Ossack - a Barrister with 16 years experience at the Criminal Bar and an Independent Member of the Parole Board. Her previous experience includes, legal advisor to the National Association of Lay Visitors (now ICVA), press officer at the Serious Fraud Office, Information Officer at the Department of Environment and Department of Energy and a parent Governor of a School.

LIST OF BACKGROUND PAPERS

10.1 The Standards Committee (England) Regulations 2008

10.2 Applications submitted for the position of Independent Member of the Standards Committee.