

AGENDA ITEM: 12.2

Page nos. 26 - 30

Meeting	Council
Date	17 May 2010
Subject	Annual re-appointment of Independent Members to the Standards Committee
Report of	Director of Corporate Governance and Monitoring Officer
Summary	This report seeks Council's approval for the annual re-appointment of 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 for the municipal year 2010 – 2011, Michael Barber, Bernd Koschland, Ron Rosenhead, Deborah Sanders and David Sparrow are re-appointed as Independent Members of the Standards Committee.**

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. The Director of Corporate Governance and Monitoring Officer was instructed to prepare a Barnet specific recruitment pack with reference to the model pack issued by the Association of Council Secretaries and Solicitors (ACSeS) and other guidance.
- 2.4 15 April 2008 – Council considered the recommendations from the Special Committee (Constitution Review) and agreed changes to the Constitution, including those related 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 an 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.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 All Independent Members when appointed 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 define an Independent Member as, “a person appointed to a standards committee, or sub-committee of the standards committee, of an authority, who is not a member or an officer of that or any other relevant authority”. There is also a requirement that, in making appointments of Independent Members, the Council must have regard to guidance issued by Standards for England (SfE). Revised guidance was issued by Standards for England on 9 May 2008. The guidance states that Independent Members are important in helping increase public confidence in local government. It describes them as providing a clear signal that the Standards Committee acts fairly and impartially. The decisions taken by the Council on fixed period terms, two fixed terms limitation and staggered appointments are consistent with advice given by Standards for England.

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(d) of the Constitution, those Independent Members appointed subsequent to May 2008, are limited to two consecutive full fixed terms of office.
- 8.4 By Article 9.03(f) of the Constitution, Independent Members are re-appointed by Council on an annual basis during the four year term so that Council is able to take appropriate action in any circumstances where an Independent Member is not properly performing his or her duties.

9. BACKGROUND INFORMATION

- 9.1 The five applicants recommended for re-appointment as Independent Members of the Standards Committee are:

Michael Barber – Mr Barber is a chartered accountant employed by one of the “Big Four” international firms of auditors. He is presently Assistant Director in the firm's Social Infrastructure Group and prior to that was Senior Manager in the firm's audit practice. He is familiar with the public sector through his current role of providing support and advice on financial matters to local authorities, Primary Care Trusts and central government agencies. He is used to advising both boards of directors and independent audit committees on ethical issues from his previous role as external auditor. He is a resident of the borough.

Bernd Koschland – Revd Koschland has served on the Standards Committee since its inception in 2000 and is the current Chairman of the Standards Committee. His main career has been as a teacher and minister of religion and he serves on many public bodies. He is Chairman of the Barnet Multifaith Forum, a member of Barnet's Standing Advisory Council for Religious Education (SACRE); member of the Strategic Forum on Hate Crime; member of the Safeguarding Children Board; trust chaplain at the Royal Free Hospital; trustee and council member of Jews Temporary Shelter; member of Barnet Network of Jewish Organisations; Vice-chair of Kinder Transport Association and has had involvement with Barnet Holocaust Commemoration Event and Barnet Civic Network, He has lived in the borough for more than 30 years.

Ron Rosenhead – Mr Rosenhead is a management consultant with 18 years experience, much of it working with public sector organisations. This work carried out through his own company has given him direct contact with both Officers and Councillors at various local authorities, both as a consultant and trainer. Prior to that, he had sixteen years experience as a Local Government Officer with Leeds City Council, Westminster City Council and the London

Boroughs of Enfield and Redbridge. He has a degree in Public Administration and lives in the borough.

Deborah Sanders – Ms Sanders is a Human Resources professional currently working in the National Health Service. In this role, she acts as an adviser on code of conduct and disciplinary matters. This work involves acting in an advisory capacity on staff disciplinary panels, as well as giving guidance of a more general nature. She is used to working with code of conduct linked documentation whether it be issued by Government, professional bodies or her employer. She lives in the borough.

David Sparrow – Mr Sparrow is retired and was employed for thirty-seven years by the UK subsidiary of a major international information technology company. He spent two years working with the Hertfordshire Constabulary as a Performance Analyst. He held a number of positions during this time, most latterly as Organisational Change Consultant. He has established his own business doing consultancy work, focusing on organisational change in large corporations and public bodies. He lives in the borough and served as a school governor within the borough for twenty years, including periods as Chairman of one governing body and also Chairman of the Personnel Committee of another. He is Secretary of his old company's Retired Members Club, which organises regular events and holidays for over 1200 people living in the London Area.

9.2 All Independent Members are re-appointed annually at the Council's Annual Meeting. This has been the practice since the inception of the Standards Committee in 2000 and brings benefits both of consistency with other committees and the Council retaining the ability to refuse to re-appoint an Independent Member. Circumstances that may arise include, issues related to levels of attendance at Standards Committee meetings or other matters persuading the Council that the Independent Member had not been carrying out his or her responsibilities. It is understood that such powers should be used exceptionally and in circumstances where the continued appointment of the Independent Member may be detrimental to the work and/or reputation of the Standards Committee.

9.3 The Independent Members were all appointed for a fixed term of four years until 2012. We have no hesitation in recommending the incumbent Independent Members, for re-appointment in this municipal year.

10. **LIST OF BACKGROUND PAPERS**

None

Legal: JEL