

Meeting	Constitution, Ethics and Probity Committee
Date	28 March 2013
Subject	Remuneration for Independent Persons
Report of Summary	Head of Governance The report asks the Committee to consider options in relation to the remuneration for the two Independent Persons that would be involved in reviewing any allegations that a Member or Co-opted member may have breached the Members Code of Conduct .

Officer Contributors	Chidilim Agada – Business Governance Officer
Status (public or exempt)	Public
Wards Affected	None
Key Decision	No
Reason for urgency / exemption from call-in	None
Function of	Council
Enclosures	None
Contact for Further Information:	Chidilim Agada - Business Governance Officer; Tel: 020 8359 2037, chidilim.agada@barnet.gov.uk

1. RECOMMENDATIONS

1.1 That the Committee consider options in relation to the remuneration for the two Independent Persons that would be involved in reviewing any allegations that a Member or Co-opted member may have breached the Members Code of Conduct.

1.2 That the Committee's recommendation be referred to Council for approval.

2. RELEVANT PREVIOUS DECISIONS

2.1 Standards Committee 27 February 2012 agreed options in relation to new arrangements for investigating allegations of breach of the Code of Conduct for Members and also that two "Independent Persons" should be appointed to ensure that one is always available to be consulted.

2.2 Special Committee (Constitution Review) 13 March 2012 agreed that the Director of Corporate Governance be instructed to prepare options in respect of Standards arrangements for the Committee to consider at a Special Meeting to be held in May 2012.

2.3 Special Committee (Constitution Review) 12 May 2012 agreed that complaints on allegations of breach of the Code of Conduct for Members would initially be investigated by the Monitoring Officer or a representative designated by him who would provide a written report to a Group Leaders Panel and the "Independent Person", who would decide whether the matter justified proceeding to a formal consideration.

2.4 Special Committee (Constitution Review) 27 June 2012 agreed that two 'independent persons' with the statutory role of giving views on any complaint about the conduct of a member of the authority should be recruited through public advertisement, with the Independent Members of the existing Standards Committee being invited to apply.

2.5 Constitution, Ethics and Probity Committee 22 October 2012 resolved: to recommend to Council the revised draft Terms of Reference for the Constitution Ethics and Probity Committee to reflect the Committee's monitoring/advisory role (previously conducted by the Standards Committee) and the role of satisfying the council's continuing duty to promote and maintain high standards of conduct for Members and ethical standards in general.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

3.1 Under the Council's Corporate Plan for 2012/13, one of the corporate priorities is 'Better services with less money'. The information in this report relates to the corporate governance arrangements around the Council's duty to promote and maintain high standards of conduct for Members and ethical standards, which indirectly support this priority.

4. RISK MANAGEMENT ISSUES

- 4.1 The remuneration for the Independent Persons has not yet been set. This provides the Committee with the opportunity to agree an appropriate level of remuneration.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The positions will be recruited to in line with the Council's recruitment and selection equalities policies.
- 5.2 The Constitution, Ethics and Probity Committee are mindful of issues which are highlighted in all reports presented for their consideration. The work of the Constitution, Ethics and Probity Committee applies to all Members and Co-opted Members equally.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 Any financial implications to a maximum of £2000 per annum will be contained within the Assurance Directorate Budget for Member Allowances.
- 6.2 As these rules are 'offices' created under statute, they will be taxed at source by LBB under HMRC rules, albeit that they are not employees.

7. LEGAL ISSUES

- 7.1 These posts are required under the Localism Act 2011, which makes it a statutory requirement for authorities to appoint at least one independent person who should be involved in reviewing any allegations that a Member or Co-opted member may have breached the Members Code of Conduct.
- 7.2 Under section 28 of this Act the appointment of the independent person must be approved by Full Council. The post must be advertised and applications must be submitted.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 The Constitution, Ethics and Probity Committee's terms of reference are noted in Part 3 of the Council's Constitution – Responsibility for Functions.

9. BACKGROUND INFORMATION

Background

- 9.1 The Localism Act 2011 makes it a statutory requirement for authorities to appoint at least one independent person who should be involved in reviewing any allegations that a Member or Co-opted member may have breached the

Members Code of Conduct. The authority must seek the 'Independent Person's' view before reaching a decision about an allegation.

- 9.2 Barnet has agreed to appoint up to two Independent Persons: however their remuneration has not yet been set. [As these posts are neither part of the establishment, nor filled by employees, the Council's job evaluation and grading process will not apply and hence it is appropriate to benchmark fees against other local authorities.](#)
- 9.3 Co-opted members on Barnet committees, which included co-opted Members of the Audit Committee and Independent Members on the now abolished Standards Committee, were paid £127.00 per meeting and the Chairman was paid £256.00 per meeting.
- 9.4 Harrow Council, with whom Barnet have a shared legal service, have agreed to pay their two Independent Persons a flat rate of £445.00.

9.5. Options

That the Independent Persons are paid:

- 9.5.1 a flat rate of £445.00 per annum, which is in line with what Harrow Council currently pays;
- 9.5.2 a flat fee per annum, which is to be determined;
- 9.5.3 on a case by case basis, whereby a fee of £100.00 could be paid for a simple case on which the Independent Person's views has been sought. For more complex cases, for example, where the complaint is referred to a Group Leaders Panel, a fee of £200.00 could be paid. Complexity of a case will be determined by the Council's Monitoring Officer.

9.6. What Other Local Authorities are doing

In producing this paper, the remuneration paid by some other local authorities has been considered. This is detailed in the table below:

Council	Remuneration
Harrow	£445 per year
Enfield	£500 per year

9.7 Recommended Option

It is suggested that Option 9.5.3 is preferred on the basis that it provides greater flexibility for a new system which is still evolving.

10. LIST OF BACKGROUND PAPERS

- 10.1 None.

Cleared by Finance (Officer's initials)	MGC/JH
Cleared by Legal (Officer's initials)	JF

