

READING BOROUGH COUNCIL  
REPORT BY MONITORING OFFICER

TO:	COUNCIL		
DATE:	27 JANUARY 2009	AGENDA ITEM:	14
TITLE:	STANDARDS COMMITTEE AND REMUNERATION PANEL - INDEPENDENT MEMBERSHIP		
LEAD COUNCILLOR:	COUNCILLOR LOVELOCK	AREA COVERED:	LEADER
SERVICE:	DEMOCRATIC SERVICES	WARDS:	BOROUGH-WIDE
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JOB TITLE:	HEAD OF CENTRAL ADMINISTRATION	E-MAIL:	John.painter@reading.gov.uk

1. PURPOSE AND SUMMARY OF REPORT

- 1.1 To receive the Minutes of the Standards Committee meeting held on 16 December 2008: these are attached at **Appendix A**.
- 1.2 On the recommendation of the Standards Committee, formally to appoint a new independent Member to the Committee, Mrs Tina Barnes, to fill a casual vacancy and to bring the number of independent Members on the Committee back up to three (one third of total membership).
- 1.3 To consider the composition of the Remuneration Panel following the resignation of two Panel members, Janet Brown (Age Concern Reading - from the voluntary sector) and Helen Hathaway (a person with past experience of local government).

2. RECOMMENDED ACTION

- 2.1 That Mrs Tina Barnes be appointed as an independent Member of the Standards Committee, on the recommendation of the Committee.
- 2.1 That the resignation from the Remuneration Panel of Janet Brown and Helen Hathaway be noted, and the appointment of Annette Hendry and Francis Connolly to fill these casual vacancies be agreed.

### 3. POLICY CONTEXT

#### Standards Committee Membership

- 3.1 For the past 18 months the Committee's independent Members have been Angie Lee MBE (since 2003), John Hicks, and Rev. Brian Shenton (both since 2007). The last two were appointed following a recruitment process run during the spring of 2007. Since May 2008, Mr Hicks has been the Chair of the Committee.
- 3.2 Angie Lee, MBE, resigned as one of the Committee's three independent Members in July 2008. In September 2008 I instituted a recruitment process to find a new Independent Member, in conjunction with the Chair (Mr Hicks) and the Head of Legal Services (Chris Brooks). As a result of this process, we recommended the appointment of Ms Tina Barnes to the Committee on 16 December 2008, and the Committee in turn is making this recommendation to full Council.
- 3.3 There is no limit to the number of independent Members that can be on the Committee, with a minimum of one quarter. The following constraints, however, apply to independent members:
- Must not have been a member or employee of the Council within five years of the date of appointment
  - Must not be a relative or close friend of a Member or employee of the Council
- 3.4 In addition, independent Members must have filled in an application for the position, following an advertisement placed in at least one local newspaper, and must have been approved by the majority of members of the Committee. The Standards Board for England suggest that independent Members should:
- Be familiar with ethical dilemmas
  - Have experience with committee work
  - Have questioning skills
  - Be assertive
  - Be independent of any political party, and local government
- 3.5 For the 2007 recruitment process, the Committee set the following criteria in addition to the statutory requirements, which we followed in 2008:
- (1) Aged 18 or over
  - (2) Close links to the local community, eg at least one of the following:

- Resident in the Borough of Reading.
  - Working in the Borough of Reading.
  - Any other close objective link.
- (3) Not a political appointee, an MP, a current Parish, District or County Councillor in any authority or a candidate to be one, nor having been any of the above within the last 5 years.
- (4) Not having a public link to any of the political parties.
- (5) Not an employee or former employee of the Council within the last 5 years.
- (6) Not involved in the Council, eg not a major supplier, partner, contractor.
- (7) Not involved in a body which campaigns on issues involving the Council, or which promotes or opposes a point of view on a question of controversy which is identifiable as the view of one political party and not of another.
- (8) A proven track record of contribution to the community: this could involve working in the local community, eg as a GP, or having active community links via eg the voluntary or community sectors or via public bodies, or being involved with a faith group.
- (9) Be familiar with ethical dilemmas.
- (10) Have good organisational skills, and experience of committee work.
- (11) Have good inter-personal skills, including assertiveness, and questioning skills.
- 3.6 An advert was placed in the Reading Evening Post and Reading Chronicle at the end of September 2008, with a closing date of 30 October 2008. Three applications were received. The Chair, the Head of Legal Services and I invited two of the respondees to meet with us during November 2008, and were very pleased to recommend Ms Barnes for appointment as the Committee's third Independent Member. The Standards Committee, on 18 December 2008, approved the appointment, and agreed to recommend it to tonight's meeting.

#### Remuneration Panel Membership

- 3.7 The Council, on 13 November 2001, set up an independent Remuneration Panel to review the scheme of Members' Allowances and to make recommendations annually on:

- the amount of basic allowance to be paid to all Councillors;
  - the duties in respect of which Councillors should receive a Special Responsibility Allowance and the amount of that allowance;
  - allowances for the care of children or dependents.
  - the pension scheme for Councillors
- 3.8 Government guidance recommends that at least three and no more than five independent members be appointed to represent the following stakeholders with the Council:
- the voluntary sector
  - the local business community
  - editor of main local newspaper
  - a person with past experience of local government.
- 3.9 The Panel was re-established for the current Municipal Year at the Council's Annual Meeting on 20 May 2008 with the same terms of reference as agreed at Minute 51 of the Council meeting on 13 November 2001, and with the membership of Paul Briggs (business community), Helen Hathaway (person with past local government experience), Brian Revell (local trades unions), and Janet Brown (voluntary sector). Mrs Hendry has already attended one Panel meeting, on 17 December 2008.
- 3.10 Since May 2008, both Helen Hathaway and Janet Brown have resigned from the Panel. This report recommends Annette Hendry to fill the vacancy caused by Helen Hathaway (person with past experience of local government). Annette Hendry was Councillor for Peppard ward from 2000 until 2007. It also recommends the appointment of Francis Connolly, as a representative of the local business community. Mr Connolly is a member of the Reading Community Interest Company (CIC).

#### 4. LEGAL IMPLICATIONS

##### Standards Committee

- 4.1 Part III of the Local Government Act 2000 sets out the legal framework for conduct of local government Members and officers. The Government has implemented this framework through the issue of Regulations under Section 66 of the Act, including the Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004.
- 4.2 The standards regime applies to voting Members of Council and Cabinet Committees, including both Councillors and non-elected Members (such as the independent Members of the Standards Committee).

- 4.3 Sections 183-201 of the Local Government and Public Involvement in Health Act 2007 amended Section 58 of the Local Government Act 2000, and added new Sections 57A-C to allow the introduction of local assessment. The Government subsequently issued the Standards Committee (England) Regulations 2008 which implemented these changes from 8 May 2008.
- 4.4 The 2007 Act, and Regulations, also require both the Standards Committee itself, and any sub-committee of it, to be chaired by an independent Member. This includes the Assessment Sub-Committee.

#### Remuneration Panel

- 4.5 Under the Local Authorities' (Members' Allowances) (England) Regulations 2001 the Council has been required to set up an independent Remuneration Panel. The Local Authorities' (Members' Allowances) (England) Regulations 2003 specified that members of a committee of the authority could no longer serve on the Remuneration Panel, from 31 August 2003. The Panel should have a membership of at least three to satisfy Government guidance.

### **5. FINANCIAL IMPLICATIONS**

- 5.1 Subject of course to the number of allegations made against Members of the authority, local assessment, investigation and determination have generated and will generate additional work for the Monitoring Officer and any other officer who undertakes an investigation. In addition, the Standards Committee will be required to set up hearings to hear the individual allegations (if the MO believes that there is a case to answer), which will have associated costs of administrative support. Under the Council's scheme of Member Allowances the independent Members of the Panel may claim a daily allowance to attend these sub-committees, at a level to be determined by the MO (currently £32.25 a day).
- 6.2 Remuneration Panel members do not receive any allowance for their service.

### **7. CONTRIBUTION TO STRATEGIC OBJECTIVES**

- 7.1 The provision for the payment of allowances, and pensions, to Councillors gives local authorities the scope to set allowances schemes to suit local needs and to help ensure that Councillors are not financially disadvantaged in serving as elected Members.
- 7.2 Ensuring Councillors are recompensed fairly for their services will help to attract candidates of high calibre and help to retain them, thereby enhancing the stability and experience of Reading's elected Councillors.

### **8. COMMUNITY ENGAGEMENT AND INFORMATION**

- 8.1 The Regulations (new and old) require the local authority to publish the recommendations of the Remuneration Panel and to publish the schemes of Members Allowances and Pensions adopted by the authority. The authority must also publish the amounts paid to individual Councillors under its scheme of Members' Allowances in each preceding financial year. This is done through the Council's website.

## 9. BACKGROUND PAPERS

DCLG Consultation Paper, "Communities in Control - Codes of Conduct for Local Authority Members and Employees" (October 2008)

Local Authorities' (Members' Allowances) (England) Regulations 2003  
Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003.

Local Authorities' (Members' Allowances) (England)(Amendment)Regulations 2003