

Standards Committee Agenda

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Contact: Democratic Services (01737 276182)

Email: Democratic@reigate-banstead.gov.uk



1 April 2019

To the Members of the STANDARDS COMMITTEE

Councillors: Mrs. R. S. Turner (Chairman),
D. Allcard
T. Archer
N. D. Harrison
R. C. Newstead
Cllr Ashton
Cllr Baird

Substitutes

Conservatives:	Councillors: M. A. Brunt, J. M. Ellacott, F. Kelly and J. M. Stephenson
Residents Group:	B. A. Stead
Green Party:	Not applicable

For a meeting of the **STANDARDS COMMITTEE** to be held on **THURSDAY, 11 APRIL 2019** at **6.00 pm** in the Executive Meeting Room - Town Hall.

John Jory
Chief Executive

1. MINUTES

(Pages 5 - 6)

To confirm as a correct record the Minutes of the Standards Committee meeting held on 25 June 2018.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. DECLARATION OF INTEREST

To receive any declarations of interest.

4. ANY OTHER URGENT BUSINESS

To consider any item(s) which, in the opinion of the Chair, should be considered as a matter of urgency – Local Government Act 1972, Section 100B (4) (b),

(Note: Urgent business must be submitted in writing but may be supplemented by an oral update).

5. APPOINTMENT OF INDEPENDENT PERSONS

(Pages 7 - 10)

To appoint Independent Persons for a four-year term of office May 2019 – 2023.

6. EXEMPT BUSINESS

RECOMMENED that members of the Press and public be excluded from the meeting for the following item of business under Section 100 (4) of the Local Government Act 1972 on the grounds that:

- (i) It involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act; and
- (ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

7. APPOINTMENT OF INDEPENDENT PERSONS (EXEMPT)

(Pages 11 - 36)

To consider exempt information in relation to this item.

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Agenda Item 1

Standards Committee
25 June 2018

Minutes

BOROUGH OF REIGATE AND BANSTEAD

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held at the Front Committee Room - Town Hall, Reigate on 25 June 2018 at 7.00 pm.

Present: Councillors Mrs. R. S. Turner (Chairman), Mrs. R. Mill (Vice-Chair), T. Archer, N. D. Harrison and F. Kelly (Substitute); and co-opted Member Councillor J. Baird of Horley Town Council.

Members were advised at the start of the meeting that there was a need to consider 'Apologies' (item four) first on the agenda in order for Councillor F. Kelly to vote as a substitute during items one to three.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor R. C. Newstead (substituted for by Councillor F. Kelly); and co-opted Member Councillor Mrs. J. Ashton of Salfords and Sidlow Parish Council.

2. ELECTION OF CHAIRMAN

RESOLVED that Councillor Mrs. R. S. Turner be elected Chairman of the Committee for the Municipal Year 2018/19.

Councillor Mrs. R. S. Turner took the Chair.

3. ELECTION OF VICE CHAIRMAN

RESOLVED that Councillor Mrs. R. Mill be elected Vice-Chairman of the Committee for the Municipal Year 2018/19.

4. MINUTES

RESOLVED that the minutes of the meeting held on 20 June 2016 be approved as a correct record.

5. DECLARATIONS OF INTEREST

None.

6. ANNUAL STANDARDS REPORT

The Committee received an update on Standards matters from the Interim Monitoring Officer. The report covered:

- Code of Conduct;
- Register of Interests;
- Complaints procedures;
- Code of Conduct complaints 2017/18;
- Group Leader meetings;
- Member training;

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- Arrangements for appointing a statutory Monitoring Officer.

Members asked why the formal complaints process only related to complaints made within the previous six months. The Interim Monitoring Officer explained that, for the completeness and accuracy of the information concerned, it was not practical to investigate complaints more than six months ago. Despite this, the Interim Monitoring Officer still undertook to investigate and resolve those complaints which were more than six months old on an informal basis. The Interim Monitoring Officer highlighted the importance of the role of political Group Leaders in resolving complaints since the Localism Act 2011 which abolished the Standards Board regime.

Members sought to improve the transparency of those complaints which were not brought to the Standards Committee. With this in mind, the Committee expressed a desire to review the Code of Conduct and terms of reference of the Standards Committee. The Interim Monitoring Officer advised Members that it would not be prudent to review the Code of Conduct before a permanent appointment for a Monitoring Officer could be made in due course.

The Committee discussed the Code of Conduct training arrangements in place for Members, the Member/officer protocol and the nature of the complaints typically received by the Interim Monitoring Officer.

RESOLVED that the report be noted.

7. ANY OTHER URGENT BUSINESS

None.

The Meeting closed at 7.32 pm

Agenda Item 5



SIGNED OFF BY	Monitoring Officer
AUTHOR	Chris Phelan, Democratic Services Manager
TELEPHONE	01737 276114
EMAIL	chris.phelan@reigate-banstead.gov.uk
TO	Standards Committee
DATE	Thursday, 11 April 2019
EXECUTIVE MEMBER	Other

KEY DECISION REQUIRED	N
WARDS AFFECTED	(All Wards);

SUBJECT	Appointment of Independent Persons
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RECOMMENDATIONS

That the following be appointed as Independent Persons for a four-year term of office May 2019 - 2023:

- Vivienne Cameron
- Bill Donnelly
- Paul Eaves
- Liz Lawrence
- Roger Pett
- Bernard Quoroll
- John Smith

REASONS FOR RECOMMENDATIONS

To enable the Council to comply with its obligations under Section 28 (7) of the Localism Act 2011.

EXECUTIVE SUMMARY

To seek the approval of the Standards Committee regarding the suitability of the candidates recommended for appointment as Independent Persons.

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The Standards Committee has authority to determine this recommendation.

STATUTORY POWERS

1. Under Section 28 of the Localism Act 2011 the Council is required to appoint at least one Independent Person whose views may be sought regarding any allegations of misconduct against a councillor and the arrangements under which any such allegations can be investigated and determined.

BACKGROUND

1. The Localism Act introduced a new ethical standards regime for local government in July 2012. Amongst other things, it requires the Council, in some circumstances, to seek the views of an Independent Person before it takes a decision on an allegation of misconduct by a councillor which it has decided to investigate. The Monitoring Officer may consult with the Independent Person, and decide whether a complaint merits a formal investigation. The Independent Person's views may also be sought by the Council at any other stage in a misconduct complaint, or by a councillor against whom an allegation has been made.
2. Full Council in July 2015 appointed the Independent Persons for a four year period with their period of office ending in May 2019. It is therefore necessary to appoint Independent Persons for a further four year term.
3. Full Council also delegated this function to the Standards Committee to make future appointments of Independent Persons.
4. At the time of making those appointments in 2015 the Council also agreed a local arrangement with a number of neighbouring councils to make joint appointments of Independent Persons. There are six other participating Surrey Councils:
 - Epsom & Ewell
 - Guildford
 - Mole Valley
 - Spelthorne
 - Surrey Heath
 - Waverley
5. The Council is also required to use its Independent Persons in respect of dismissal or disciplinary procedures against the Head of Paid Service, Monitoring Officer or Chief Finance Officer in accordance with the provisions of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
6. Although the role of Independent Person is voluntary, the Council is required to advertise the vacancy in such manner as the authority considers is likely to bring it to the attention of the public. This process involved advertising, short-listing, and interviewing the candidates and making recommendations to the respective councils for the appointment of Independent Persons for a four-year term of office expiring in May 2023 and this was carried out.
7. Four existing Independent Persons confirmed their wish to continue and formally re-

Agenda Item 5

applied.

8. Three new applications were received. Paul Eaves, Liz Lawrence, and Bill Donnelly, were interviewed between 4 and 7 March at Guildford. The interview panel comprised the Monitoring Officers (or their deputies) from Guildford, Mole Valley, Reigate & Banstead and Surrey Heath.
9. The interview panel found that all three candidates demonstrated well-developed skills of independence, analysis, and fair dealing and has commended all three for appointment by the participating councils. Copies of the candidates' CVs in support of their applications are provided in the Exempt part of the Committee's agenda.
10. The serving Independent Persons, who re-applied were not interviewed again. Instead, they were asked to submit up to date CVs. Copies of their CVs are also provided in the Exempt part of the Committee's agenda.

OPTIONS

11. To appoint the Independent Persons as detailed in the report (recommended option)
12. To not appoint the Independent Persons and to ask Officers to undertake further recruitment (not recommended)

LEGAL IMPLICATIONS

13. The Localism Act s.28 prescribes the need for a council to appoint at least one Independent Person, although no term of office is specified; the role that the Independent Person plays in the arrangements for dealing with allegations of misconduct by councillors; and the various requirements for independence that those applying for appointment must satisfy.
14. There are no additional legal implications arising from this report.

FINANCIAL IMPLICATIONS

15. The Independent Persons appointed by this Council would not receive any remuneration for undertaking this role other than travelling expenses which will be paid at the same rate as currently provided for councillors under the Members Allowances Scheme.
16. There are no other financial implications arising from this report.

EQUALITIES IMPLICATIONS

17. Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) when making decisions and setting policies.
18. The recruitment process has sought to find a variety of candidates that whilst meeting the profile, offer a variety of different backgrounds and experiences.

COMMUNICATION IMPLICATIONS

19. There are no communication implications arising from this report.

HUMAN RESOURCES IMPLICATIONS (if applicable)

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20. There are no human resources implications arising from this report.

RISK MANAGEMENT CONSIDERATIONS

21. There are no risk management implications arising from this report if the recommendation is accepted.

OTHER IMPLICATIONS

22. There are no other implications arising from this report.

CONSULTATION

23. Each of the participating Surrey authorities is considering the proposed appointment of Independent Persons in March/April 2019.

POLICY FRAMEWORK

24. The appointment of Independent Persons is a legislative requirement and complies with the Council's corporate plan as a result.

BACKGROUND PAPERS

- Advertisement and Information Pack for Candidates