

MEETING:	COUNCIL
MEETING DATE:	19 JULY 2013
TITLE OF REPORT:	APPOINTMENT OF INDEPENDENT PERSONS TO THE COUNCIL'S STANDARDS PANEL
REPORT BY:	HEAD OF GOVERNANCE

1. Classification

Open

2. Key Decision

This is not a key decision

3. Wards Affected

County-wide

4. Purpose

On the recommendation of the Audit and Governance Committee, to approve the appointment of two independent persons to the council's standards panel.

5. Recommendation(s)

THAT:

the appointment of John Sharman and David Williams as independent persons to the Standards Panel, be approved.

6. Alternative Options

- 6.1 The Localism Act 2011 states that the Council must appoint "at least one independent person" to deal with standards matters. Therefore, there is an option to retain the existing independent person, Mr Rob Cook, and make no further appointments. However, the monitoring officer's view is that it is essential to appoint more than one independent person to avoid any potential conflicts of interest in dealing with complaints, to allow flexibility during periods of holiday and sickness, to ensure good governance of the standards process, and to provide him with sufficient regular support.

7. Reasons for Recommendations

- 7.1 Herefordshire receives on average one new standards complaint about a county, town or parish councillor every week, and these need to be processed in a timely manner. The view is that at least three independent persons are required to ensure the efficient running of the system.

8. Key Considerations

- 8.1 Until recently, the council had three appointed independent persons, whose role is to give opinion to the monitoring officer on standards complaints, and to inform the decisions on all standards investigations and complaints where a resolution is not readily achieved. The council's independent persons were Jake Bharier, Rob Cook and David Stevens MBE. Mr Bharier and Mr Stevens are longstanding serving independent persons who were both members of the Standards Committee under the old standards system, which existed before the Localism Act introduced a new system in 2012. They have served voluntarily as independent persons since 2009 and 2003 respectively. Mr Cook was appointed in 2012 after the new system took effect.
- 8.2 The Act does not allow previously serving independent persons to serve in the new system for more than twelve months. As a result, the tenure of post for both Mr Bharier and Mr Stevens ended on 30 June 2013. Mr Cook remains as the Council's only serving independent person.
- 8.3 Following a recruitment period, interviews were held on 23rd and 24th April 2013. The interview panel comprised Councillors Barnett, Bowen and Stone, the Head of Governance and Mr Stevens. The interview panel has no hesitation in recommending that the council appoints 2 new independent persons, namely John Sharman and David Williams. Excellent references have been received for both candidates.
- 8.4 John Sharman has recently retired from an interim project manager post for the Wye Valley NHS Trust, having formerly enjoyed a career in Biomedical Science. He has worked at senior managerial level in various Health-related posts since 1992. Mr Sharman also has experience of local government through his service as a member of Surrey Heath Borough Council from 1995-1999.
- 8.5 David Williams is a retired chief fire officer, most recently serving as chief fire officer and chief executive of South Wales Fire Service. He has also served as an adviser to both local and national government. He is a fellow of the Institution of Fire Engineers, an instructor and trustee of Heartstart Herefordshire, chairman/trustee of Herefordshire Advanced Motorists, and a churchwarden and member of the PCC of St. Weonards.
- 8.6 Both Mr Sharman and Mr Williams will be introduced to members at Council on 19 June 2013.

9. Community Impact

- 9.1 The public expectation is rightly that the council has adequate, objective and transparent measures in place to deal with complaints against councillors. The appointment of Mr Sharman and Mr Williams will help to provide continued assurance of this.

10. Equality and Human Rights

There are no equality and human rights implications in this report.

11. Financial Implications

- 11.1 There are no financial implications in respect of the proposal.

12. Legal Implications

- 12.1 The appointments will ensure that the council is able to meet comprehensively the requirements of the Localism Act 2011.

13. Risk Management

- 13.1 There is a reputational risk to the council if it is unable to manage effectively its standards complaints process. There is also a risk to councillors if there are no independent mechanisms in place to support them in their responsibilities towards good governance and adhering to the members' code of conduct. Part of the independent person's role is to help councillors achieve these aims through giving objective opinion when councillors are the subject of complaints, and through the recommendations that they make for training and mediation.

14. Consultees

- 14.1 None.

15. Appendices

- 15.1 None.

16. Background Papers

- 16.1 None identified.