




|  |  |              |                 |
|--|--|--------------|-----------------|
| <b>Report to:</b>                      | Standards Committee  | <b>Date:</b> | 30 January 2018 |
| <b>Report title:</b>                   | Update from Council  |              |                 |
| <b>Report from:</b>                    | Jessica Crowe, Assistant Director, Chief Executive's Directorate (Customers, Commissioning and Governance)               |              |                 |
| <b>Ward/Areas affected:</b>            | Not applicable   |              |                 |
| <b>Chair of Committee/Lead Member:</b> | Councillor Ruth Dombey, Leader of the Council<br>Councillor Simon Wales, Deputy Leader of the Council                    |              |                 |
| <b>Author(s)/Contact Number(s):</b>    | Fiona Bywaters, Head of Committee and Management Support (Interim), 020 8770 5122  |              |                 |
| <b>Corporate Plan Priorities:</b>      | <ul style="list-style-type: none"> <li>• An Open Council</li> <li>• A Fair Council</li> <li>• A Smart Council</li> </ul> |              |                 |
| <b>Open/Exempt:</b>                    | Open   |              |                 |
| <b>Signed:</b>                         |   | <b>Date:</b> | 18 January 2018 |

## 1. Summary

- 1.1 This report sets out, for information, the proposals to create an Audit and Governance Committee for oversight of audit, standards and human resources (HR) functions and to cease the Appeals Committee by delegation of its functions to officers. The constitutional changes required were approved by Strategy and Resources Committee on the 15 January 2017, as per the minute attached at Appendix A, and will be considered by Full Council on the 29 January 2017.
- 1.2 An update is also provided on the recruitment of independent persons under the Localism 2011, the appointment of which will be considered at the same Full Council meeting. The brief biographies of the recommended candidates are attached at Appendix B.
- 1.3 The decisions of Council will be reported verbally to this meeting of the Standards Committee.

## 2. Recommendations

The Standards Committee is recommended to:

- 2.1 Note the recommendation to Council to appoint an Audit and Governance Committee to encompass the functions currently carried out by the Audit Committee and the Standards Committee effective following the Annual Council Meeting in May.



- 2.2 Note the recommendation to Council to appoint Mr Geoffrey Beresford Hartwell, Mrs Ruth Pearson and Mr Neil Asten as the Council's Independent Persons in accordance with the Localism Act 2011.
- 2.3 Note the grateful thanks from Members to the outgoing Independent Members of the Standards Committee for their many years of dedicated voluntary public service in helping the authority uphold high standards of behaviour.

### **3. Background**

- 3.1 With regards to the proposed changes to the Council committee structure, the Council has responsibilities to perform certain regulatory functions in relation to audit, employment, standards and health and safety. None of the functions are required to be carried out by a specific committee for that purpose and so legally can be absorbed into a single committee.
- 3.2 With regards to the appointment of Independent Persons, the Council is required to appoint at least one independent person under the Localism Act 2011. The Council currently has only one Independent Person which has caused capacity and resilience issues in terms of availability, hence it is proposed to appoint more than one on this occasion, particularly given the calibre of individuals who applied. The present Independent Person's term of office is already due to end in May 2018.
- 3.3 Should Full Council approve the recommendations on 29 January 2018, it should be noted that the Independent Persons will be invited to sit in an advisory, non-voting capacity on the new Audit & Governance Committee.

### **4. Issues**

#### Future of the Standards Regime: Audit & Governance Committee

- 4.1 The main business of the Standards Committee is to receive updates on Councillor code of conduct complaints and the member development programme. This can be absorbed into a newly formed Audit and Governance Committee. The Standards Sub Committee, required to consider any member complaints which warrant investigation, would meet in the usual way but as a sub committee of the newly formed parent committee.
- 4.2 Given the much wider remit of the new Committee, its membership is proposed as Councillors only. Since the standards regime was altered under the Localism Act, local authorities are no longer required to appoint independent members to committees which carry out the standards function. The requirement is instead to appoint an Independent Person (a non-councillor) who the Monitoring Officer consults on Councillor complaints and Code of Conduct issues, and who can advise members subject to a complaint during the process. The proposals provide that the Independent Persons will be invited to attend the new committee in an advisory, non-voting capacity. It is proposed to appoint more than one Independent Person to ensure that independent perspective on standards matters is maintained on the Committee.

- 4.3 Council is also recommended to delegate authority to the Monitoring Officer to consider and determine requests to grant dispensations to members with a Disclosable Pecuniary interest to allow them to attend meetings from which they would otherwise be excluded in accordance with provisions of the Localism Act. This function is currently delegated to a Code of Conduct Panel and Standards Committee have previously discussed that this would be more appropriately delegated to the Monitoring Officer.
- 4.4 Requests for dispensations tend to come up after committee agendas are published which does not allow sufficient time to convene a panel for this purpose. All members would be notified of the grant of any dispensations by the Monitoring Officer through the record of delegated decisions published on the Council's website. Periodic reports on numbers and types of dispensations could be provided to the Audit and Governance Committee as required.

#### Independent Person Recruitment

- 4.5 As per the Localism Act, Independent Persons are persons who have applied for the post following advertising of a vacancy for the post, and are appointed by a positive vote from a majority of all the members of Council.
- 4.6 The post was extensively advertised and promoted by the Committee Services team. This included the production of a 40 second video clip of Mr Peter Struik (Independent Member - see <https://youtu.be/iqEwJfQeVck> for video clip) being interviewed which was uploaded onto social media platforms e.g. Facebook, LinkedIn and Twitter. The role also featured on the Council's website, the internal Member's Information Bulletin (MIB), Sutton Scene newsletter and the local Sutton Guardian newspaper.
- 4.7 A wide audience was reached, and statistics of interest are as follows:
- Sutton Scene - 152 article clicks
  - Sutton Local Guardian (Online edition) - 115 article clicks
  - Sutton Council Facebook - 5,200 post views
  - Sutton Council LinkedIn - 1,634 post views

Candidates confirmed that they had sourced the advert through almost all the different means used (local newspaper, Sutton Scene, Council website and Facebook).

- 4.8 Overall, 12 applications were received, 6 candidates shortlisted and 3 interviewed candidates recommended for appointment by Full Council. Brief biographies of the recommended appointees are attached at Appendix B.

## **5. Options Considered**

- 5.1 It is for members, through Council, to decide on how the decision making structures of the Council are organised. Decisions relating to Constitutional Changes are reserved to Council. The changes are proposed in the interests of open and efficient decision making.



- 5.2 There is no option not to appoint an Independent Person due to it being a statutory requirement. It is stated that 'at least one' Independent Person is to be appointed and given the high calibre of applications received, three candidates, holding a diverse range of skills and experiences, are being recommended to Council.

## **6. Impacts and Implications**

### Financial

- 6.1 Broader financial considerations of the changes to committees, which extended beyond the Audit & Governance proposals, were presented to Strategy & Resources Committee and included for consideration by Council. No financial implications arise from the appointment of Independent Persons.

### Legal

- 6.2 The legal implications are set out in the report.

**7. Appendices and Background Documents**

| <b>Appendix letter</b> | <b>Title</b>  |
|------------------------|---|
| A                      | Minute of the Strategy and Resources Committee, 15 January 2018 |
| B                      | Brief biographies: Independent Persons Appointments             |

| <b>Background documents</b> |
|-----------------------------|
| None                        |

| <b>Audit Trail</b>                      |       |                       |
|---|-------|-----------------------|
| Version                                 | Final | Date: 16 January 2018 |
| <b>Consultation with other officers</b> |       |                       |
| Finance                                 | No    | N/A                   |
| Legal                                   | No    | N/A                   |
| Equality Impact Assessment required?    | No    | N/A                   |

This page is intentionally left blank