

LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING

WEDNESDAY 21ST SEPTEMBER 2011

**APPOINTMENT OF INDEPENDENT MEMBERS TO THE
STANDARDS COMMITTEE AND CO-OPTED MEMBERS TO
THE PENSIONS COMMITTEE**

**REPORT OF THE SERVICE HEAD,
DEMOCRATIC SERVICES**

1. SUMMARY

- 1.1 This report recommends the appointment of two persons as Independent Members of the Council's Standards Committee; and two persons as non-voting co-opted representatives on the Pensions Committee in accordance with the Council's Constitution.

2. RECOMMENDATIONS

- 2.1 That the following persons be appointed as Independent Members of the Standards Committee, each to serve a three year term of office expiring on the date of the Annual Council meeting in 2014, subject to annual confirmation by the Council:-

- Mr Denzil Johnson (new appointment); and
- Mr Eric Pemberton (re-appointment)

- 2.2 That the following persons be re-appointed as non-voting co-opted members of the Pensions Committee for the remainder of the municipal year 2011/12:-

- Mr Frank West (Trade Union representative); and
- Mr John Gray (Admitted Bodies representative)

3. STANDARDS COMMITTEE – INDEPENDENT MEMBERS

Background

- 3.1 It is a statutory requirement that local authority Standards Committees must include Independent Members who are neither Members nor officers of the Council or of another relevant authority. The Standards Board for

England recognises that Independent Members are important in helping to increase public confidence in local government and provide a clear signal that the Standards Committee acts fairly and impartially. They also bring a wider perspective from their outside experience. Independent Members must form at least 25% of the Committee's membership but beyond this the Council may decide how many to appoint and how long they should serve for. An Independent Member must chair the Committee.

- 3.2 Tower Hamlets Council has decided there shall be a majority of Independent Members on the Standards Committee. The membership of the Committee was increased from May 2008 following the introduction of the local assessment of complaints and now includes six Councillors and up to nine Independent Members. The Independent Members each serve a three year term and retire by rotation to ensure continuity of knowledge and experience. A retiring Independent Member may apply to serve an additional term or terms. Persons appointed undergo training on the Code of Conduct and other matters before taking up their place.

Existing Independent Members

- 3.3 Recruitment of Independent Members has taken place at regular intervals as vacancies have occurred either as a result of retirements or the expansion of the Committee's membership in response to its developing role. During the municipal year 2010/11 eight Independent Members have served on the Committee as follows:-

- Mr Ibrahim Ali (term of office to May 2011);
- Mr Eric Pemberton (to May 2011);
- Ms Salina Bagum (to May 2012);
- Mr Barry Lowe (to May 2012);
- Mr Matthew Rowe (to May 2012)
- Mr Barry O'Connor (Chair) (to May 2013);
- Ms Sue Rossiter (to May 2013)
- Mr Richard Hopkins (resigned 3 November 2010);
- (1 vacancy)

- 3.4 As set out above, two of the Independent Members – Mr Ibrahim Ali and Mr Eric Pemberton - reached the end of their respective terms of office in May 2011. Mr Pemberton indicated that he wished to be considered to serve a further term on the Committee.

- 3.5 Mr Ali did not indicate that he wished to continue. Mr Ali has served on the Standards Committee since 2008 and the Committee Members have placed on record their thanks and appreciation for the contribution that he has made to the work of the Committee during that period.

Proposed appointments

- 3.6 An advertisement was published and a recruitment process held to identify suitable persons for appointment to the positions available following the retirement of the above members and the existing vacancies. Statutory

rules apply to the appointment of Independent Members and the Standards Board for England has also issued guidance to ensure that appointees are chosen in a fair and open way. The position(s) must be advertised publicly and no one may be appointed unless they have applied for the appointment. The following may not be appointed as an Independent Member of the Council's Standards Committee:-

- Someone who has been a Member or employee of the Council within 5 years before the date of the appointment;
- A Member or officer of the Council or another relevant authority; or
- A close friend or relative of a Member or employee of the Council.

3.7 The Standards Board for England has set out the following skills and competences that Independent Members should demonstrate:

- A keen interest in standards in public life;
- A wish to serve the local community and uphold local democracy;
- High standards of personal integrity;
- The ability to be objective, independent and impartial;
- Sound decision making skills;
- Questioning skills;
- Leadership qualities, particularly in respect of exercising sound judgement; and
- The ability to act as a chair of an assessment or review sub-committee or a determination hearing.

3.8 As far as possible the Council seeks to achieve a diversity of representation amongst the Independent Members in relation to gender and ethnicity; and has previously sought to recruit persons with experience in a range of different sectors i.e. academic/public, business and community.

3.9 The closing date for applications in the current recruitment round was 29th July 2011. Following assessment of the applications against the selection criteria and interview of the applicants by a panel including the Monitoring Officer and the Independent Chair of the Committee, the following persons are recommended for appointment:-

<u>Name</u>	<u>Experience/Background</u>
Mr Denzil Johnson	(New applicant): Barrister and caseworker for national medical professional regulatory body. Previous background in nursing and active in voluntary Disability Tribunal role. Lay member of Education Appeals Panel for another local authority.
Mr Eric Pemberton	(Application for a further term): Retired local resident and mature student. Chair of Local Area Partnership. Active in leaseholder and community associations. Previously active in

local politics and trade union representative.
Has served on the Standards Committee since
2008.

- 3.10 It is necessary for the appointment of Independent Members to be agreed by a majority of the total number of Members of the Council.
- 3.11 Two further positions on the Committee remain vacant and these will be the subject of a further report to the Council in due course.

4. PENSIONS COMMITTEE – CO-OPTED MEMBERS

Background

- 4.1 The guidance on the governance arrangements for Local Authority pension funds set down four basic principles against which practice is judged as follows:-
1. The management of the administration of benefits and strategic management of fund assets clearly rests with the main committee established by the appointing council;
 2. That representatives of participating LGPS employers, admitted bodies (other employers who have chosen to join the scheme) and scheme members (including pensioner and deferred members) are members of either the main committee or a secondary committee established to underpin its work;
 3. That where a secondary committee or panel has been established, the structure ensures effective communication across both levels; and
 4. That where a secondary committee or panel has been established, at least one seat on the main committee is allocated for a member from the secondary committee or panel.
- 4.2 On 22nd April 2009 the Council agreed, on the recommendation of the Constitution Working Party, to new arrangements for the Pensions Committee in order to comply with (2) above. The membership of the Committee was extended by the inclusion of two non-voting Co-opted Members, one representing the Admitted Bodies and the other representing the Trade Unions.

Nominations received

- 4.3 During 2010/11 the following representatives served on the Pensions Committee in these co-opted positions:-
- Mr Frank West: Trade Union representative (GMB)
 - Mr John Gray: Admitted Bodies representative (Circle Anglia)
- 4.4 Nominations have been sought for these positions in the current municipal year. Mr West and Mr Gray have once again been nominated by the constituent organisations and the Council is now recommended to agree their re-appointment to the Committee.

5. OBSERVATIONS OF THE CHIEF FINANCE OFFICER

- 5.1 The Council's Scheme of Members Allowances provides for an Independent Member of the Standards Committee to claim a co-optee's allowance of £117 for attendance at any meeting of the Committee or a conference or training event where attendance is on behalf of and authorised by the Council. An Independent Member may also claim travel and subsistence allowance under the scheme.
- 5.2 Any payments made under 5.1 above will be met from within the existing budget provision for Members' Allowances held by Democratic Services.

6. CONCURRENT REPORT OF THE CHIEF LEGAL OFFICER

- 6.1 The legal implications are included in the main body of this report.

7. IMPLICATIONS FOR ONE TOWER HAMLETS

- 7.1 The Independent members of the Standards Committee are drawn from a variety of communities represented within the borough. The Co-opted Members of the Pensions Committee provide representation for the range of scheme members.

8. ANTI-POVERTY IMPLICATIONS

- 8.1 There are no anti-poverty implications arising from this report.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 The Standards Committee plays a key role in ensuring the adequacy of the Council's Governance arrangements and ethical and assurance framework. The Pensions Committee helps to ensure that the Council fulfils its obligations and duties under the Superannuation Act 1972 and the various statutory requirements in respect of investment matters.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT (SAGE)

- 10.1 There are no SAGE implications arising from this report.

LOCAL GOVERNMENT ACT, 2000 (SECTION 97)

LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

Brief description of "background paper"	Name and telephone number of holder and address where open to inspection
None.	