

AGENDA ITEM
REPORT TO COUNCIL
22 JULY 2015

**REPORT OF CORPORATE
MANAGEMENT TEAM**

APPOINTMENT OF INDEPENDENT PERSONS

SUMMARY

This report provides Council with the recommendations from the meeting of the Standards (Independent Persons) Appointments Panel (“the Panel”) held on the 23 June 2015 regarding the appointment of Independent Persons, as required by the Localism Act 2011 (“the 2011 Act”).

RECOMMENDATIONS

It is recommended that:-

1. Consideration is given to the information contained in this report; that subject to that,
2. Norman Rollo be appointed as Independent Person; and Jeff Bell and Mike Hill be appointed as reserve Independent Persons; and that
3. Their further terms of office commence with effect from 8 July 2015, and expiring on the 3 July 2019.

DETAIL

1. On the 11 September 2013 Council agreed to appoint the current Independent Person, Norman Rollo and two reserves, Mike Hill and Jeff Bell, for an extended period of office expiring on the 8 July 2015.
2. The 2011 Act requires the Council to appoint at least one Independent Person for the purposes of its arrangements for dealing with allegations of misconduct by local authority Members.
3. The Act provides (amongst other things) that a person may not be appointed as an Independent Person unless the vacancy has been advertised, and the appointment has been approved by a majority of the members of the Council.
4. The advertisement for the positions of Independent Person and two reserve (substitute) Independent Persons was displayed on the Councils website. Copies were provided for display in the Council’s libraries and were also circulated to the other Tees Valley Local Authorities for circulation.

5. By the closing date of 5 June 2015 three expressions of interest had been received from the current Independent Persons', who wished to continue for another term. No other applications were received.
6. The Panel considered the matter at its meeting on the 23 June 2015. A copy of the Panel's minutes is attached at the **Appendix** to this report.
7. The Panel was advised that all of the current Independent Persons had been consulted on code of conduct allegations during the period since the Council initially adopted a code of conduct on 18 July 2012, together with dispensations for Members under section 33 of the 2011 Act, and that effective working relationships have been developed between Officers and each of the Independent Persons.
8. The Independent Persons had attended various Council meetings, such as Planning Committee, Cabinet and full Council, in order to develop a greater understanding of how the Authority's governance works in practice. They had also attended the Members' induction programme after the recent local government elections, assisting in particular with the round table discussions regarding standards of conduct. In addition, they had attended sub-regional and regional meetings of Independent Persons and Standards Chairs/Vice Chairs.
9. Given the numbers of allegations received during 2012/13 (9), 2013/14 (18) and 2014/15 (21), the Panel was also advised that the availability of an Independent Person and two reserves had been invaluable. The reserves were also a sensible precaution to cover the Independent Person's statutory responsibilities in the event that he is unable to act or is otherwise unavailable.
10. In addition, the changes introduced to standing orders relating to disciplinary action against protected statutory officers (the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) require Councils to establish Panels which had at least two Independent Persons (appointed pursuant to the Localism Act 2011) as Members. If an Authority did not have two Independent Persons of its own, it would have to look to other Authorities for its Independent Person Panel members.
11. Taking all of this into account, the Panel recommended that:-
 - Norman Rollo be appointed as Independent Person with Jeff Bell and Mike Hill as reserve Independent Persons; and that
 - Their terms of office commence with effect from 8 July 2015 and expiring on the 3 July 2019 (reflecting the terms of office of elected members).

FINANCIAL AND LEGAL IMPLICATIONS

Financial

12. Council has agreed that Independent Persons should receive a co-optees allowance of £650 pa, and that they should be entitled to travel and subsistence at member rates. The costs are being met from existing budgets. In 2014/15, the cost was £1950 (comprising three co-optees' allowances, but no travel or subsistence claims or payments).

Legal

13. The appointment of at least one Independent Person satisfies the requirements of the 2011 Act.

RISK ASSESSMENT

14. A re-assessment of risk regarding standards of conduct was undertaken as part of the review of the Council's standards arrangements. However, based on experience since the arrangements were introduced in July 2012 and taking into account the measures in place regarding promoting and maintaining high standards of conduct (which of course includes the appointment of at least one Independent Person), the risk continues to be low.

COUNCIL PLAN IMPLICATIONS

15. Effective corporate and ethical governance is critical to an authority's performance. Probity and high standards are an inherent part of ethical and hence corporate governance. The Act envisages that local authorities have a duty to promote and maintain high standards of conduct.

EQUALITY IMPACT ASSESSMENT

16. It is not considered that an assessment is necessary.

CONSULTATION

17. Developments relating to the standards regime, including proposals for appointing Independent Persons have previously been reported to and discussed with Cabinet and with Officers and Members of the Council, as well as being reported to and discussed at full Council meetings.

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<u>Background Papers:</u>	None
<u>Ward(s) and Ward Councillors:</u>	Not ward specific
<u>Property Implications:</u>	None