

AGENDA ITEM

REPORT TO COUNCIL

29 January 2020

**REPORT OF CORPORATE
MANAGEMENT TEAM**

APPOINTMENT OF INDEPENDENT PERSONS

SUMMARY

This report provides Council with the recommendations from the Monitoring Officer following a recruitment process 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. Dr Stuart Green and Lyn Ryan be appointed as Independent Persons; and that
3. Their term of office commences with immediate effect i.e. from 29 January 2020, and expiring on the 29 January 2024.
4. The reappointment of Jeff Bell is confirmed for a period of six months to ensure a smooth transition to the new appointees.

DETAIL

1. On the 08 July 2015 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 in 2019. In 2019 Norman Rollo informed the Monitoring Officer that he wished to stand down from the role. Mike Hill and Jeff Bell confirmed their willingness to continue to fulfil the role pending the outcome of a recruitment exercise for new Independent Persons. In addition, Jeff Bell has agreed to remain in post for a transitional period.
2. Since their appointment 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, During their terms the current 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 have also attended sub-regional and regional meetings of Independent Persons and Standards Chairs/Vice Chairs

3. 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.
4. 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.
5. The advertisement for the positions of Independent Person was displayed on the Council's website and promoted via Social Media. Copies were provided for display in the Council's libraries and were also circulated to the other Tees Valley Local Authorities for circulation and via the Catalyst Bulletin to the VCSE sector.
6. By the closing date in November 2019 sixteen enquiries had been received which led to five expressions of interest. One of these was unable to be considered as they did not meet the statutory criteria to ensure impartiality of the role given that they were an employee of the authority. The four remaining applicants were invited to meet with the Monitoring Officer in order to discuss the role and their experience. The current Independent Persons were consulted on the proposed applicants and references have also been taken for both applicants. Both proposed appointees meet the statutory criteria and have relevant experience and personal attributes to fulfil the role.
7. Given the numbers of complaints received during 2017/18 (9) and 2018/19 (17) the availability of more than one Independent Person has been invaluable. Appointing more than one Independent Person is also a sensible precaution to cover the Independent Person's statutory responsibilities in the event that he/she is unable to act or is otherwise unavailable.
8. In addition, the 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.
9. Taking all of this into account it is recommended that:-
 - Dr Stuart Green and Lyn Ryan be appointed as Independent Persons; and that
 - Their terms of office commence with immediate effect from 29 January 2020 and expiring on the 29 January 2024.

COMMUNITY IMPACT IMPLICATIONS

10. 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.

CORPORATE PARENTING IMPLICATIONS

11. None

FINANCIAL IMPLICATIONS

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 2018/19, the cost was £1950 (comprising three co-optees' allowances, but no travel or subsistence claims or payments). The proposal to appoint two Independent Persons will lead to a saving of £650 p.a.

LEGAL IMPLICATIONS

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.

WARDS AFFECTED AND CONSULTATION WITH WARD/COUNCILLORS

15. 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.

BACKGROUND PAPERS

16. None

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