

County Council

21 September 2016

Local Government Standards - Reappointment of Independent Persons



Report of Colette Longbottom, Head of Legal & Democratic Services

Purpose of the Report

- 1 To agree the re-appointment of the two independent persons to the Standards Committee.

Background

- 2 The Localism Act 2011 sets out the requirements in relation to Local Government Standards and it requires the appointment by the authority of at least one independent person.
- 3 The functions of the independent person in relation to Standards are:-
 - They must be consulted by the authority and their views taken into account before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect to that member.
 - They may be consulted by the authority in respect of a Standards complaint at any other stage and;
 - They may be consulted by a member or co-opted member of the Council or a parish council against whom the complaint has been made.
- 4 In September 2012 two independent persons were appointed to the Standards Committee.
- 5 Mr John Dixon Dawson is from Peterlee and is currently Head of Post Graduate Programmes at the University of Sunderland Business School. He has a career going back to 1986, which has involved various placements at universities in the North East, four years as a non-Executive Director at an NHS Trust and seven years as a Deputy Town Clerk.
- 6 Mr Peter Jackson is from Newton Hall and is retired. He is originally from the private sector having fulfilled the roles of Factory Manager, General Manager, Managing Director, Group Technical Executive and Sales Manager. He has

also served on the Youth Employment Committee of the Council and the Police Consultative Committee for Durham County Council.

- 7 The role of the independent person was widened under the Local Authority's (Standing Orders) England (Amendment) Regulations 2015 which came into force on 11 May 2015 and changed the localised disciplinary process. In the case of proposed disciplinary action against a statutory officer, the Council is required to invite the independent person(s) who have been appointed for the purposes of the Members Code of Conduct regime to form an independent panel and take into account any recommendation of that panel before taking a decision to appoint or dismiss
- 8 On 23 September 2015, Council agreed that the term of office for the independent persons should be set at four years from the time of appointment. The appointments of the independent persons are due to end in September 2016.
- 9 Constitution Working Group agreed at its meeting on 8 September 2016 to recommend to Council that the independent persons are reappointed.

Reappointment of Independent Persons

- 10 There is no statutory bar to the reappointment of the independent persons. There is no national guidance or best practice about whether the independent persons should continue in the role or be refreshed. There is also nothing in the Council's constitution to indicate that the current independent persons cannot be reappointed. It is not known what practice is adopted at other Councils in the region without contacting them. A decision must be made by Council today due to the term of the appointments expiring at the end of the month.
- 11 Since the introduction of the new Standards regime in July 2012, the independent persons have been consulted by members against whom a complaint has been made and by the authority in relation to a local investigation. The independent persons have attended training and developed experience in the role.
- 12 The independent persons are also aware of the widening of their role in relation to the disciplinary process against a statutory officer and have confirmed that under the priority order for appointing independent persons to a panel, they have no objection to being approached by other Local Authorities in the region in this regard.
- 13 It is therefore recommended that in order to keep continuity of expertise in relation to the Council's Standards regime, the independent persons are re-appointed for a further term of four years.

Next Steps

- 14 The independent persons have indicated that they are interested in being reappointed to the role.
- 15 Should the reappointment of the independent persons be agreed by Council then Mr Dixon Dawson and Mr Jackson would be re-appointed for a period of four years.
- 16 If Council do not wish to reappoint the independent persons then a recruitment process would be undertaken to appoint new individuals to the role. The posts would be advertised and interviews would be held to ensure that suitable persons are appointed. Whilst this could attract individuals with new ideas, it is preferential to retain the current independent persons due to their experience and training.

Recommendations and reasons

- 17 Council reappoint the independent persons to the Standards Committee.

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Appendix 1: Implications

Finance – None – there will be no costs incurred in the reappointment and training / development costs would be minimised due to the existing expertise, knowledge and experience of the current appointed independent persons.

Staffing - None

Risk - None

Equality and Diversity / Public Sector Equality Duty - None

Accommodation - None

Crime and Disorder - None

Human Rights - None

Consultation - None

Procurement - None

Disability Issues - None

Legal Implications – None – there is no statutory bar to the reappointment of the independent persons