



## Special Standards Committee

**Date** Wednesday 10 May 2023  
**Time** 1.30 pm  
**Venue** Committee Room 2, County Hall, Durham

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### Business

#### Part A

#### Items which are open to the Press and Public

1. Apologies for Absence
2. Declarations of Interest, if any
3. Appointment of Independent Persons to the Standards Committee (Pages 3 - 8)
4. Such other business as in the opinion of the Chair of the Meeting is of sufficient urgency to warrant consideration

**Helen Lynch**

Head of Legal and Democratic Services

County Hall  
Durham  
28 April 2023

**To: The Members of the Standards Committee**

Councillor J Nicholson (Chair)  
Councillor L Maddison (Vice-Chair)

Councillors M Abley, J Atkinson, L Mavin, A Savory, G Smith, T Smith,  
T Stubbs, F Tinsley and C Varty

**Town and Parish Council Co-opted Representatives:**

Councillors A Doig and C Foote-Wood

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**Contact: Lucy Gladders**

**Tel: 03000 269 712**

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**Standards Committee**

**10 May 2023**



**Appointment of Independent Persons to the Standards Committee**

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**Report of Helen Lynch, Head of Legal & Democratic Services and Monitoring Officer of the Council**

**Electoral division(s) affected:**

None.

**Purpose of the Report**

- 1 To provide an update on the recruitment of two new Independent Persons to the Standards Committee.

**Executive summary**

- 2 At its meeting on 17 March 2023, the Standards Committee requested the Head of Legal and Democratic Services (Monitoring Officer) to commence a recruitment exercise with a view to appointing two new Independent Persons.
- 3 In accordance with the timetable agreed with the Committee, the role was advertised on 20 March 2023 and closed on 17 April 2023.
- 4 This report summarises the recruitment exercise undertaken and the recommendation to be presented to Council at its meeting on 24 May 2023.

## **Recommendation**

- 5 The Standards Committee are asked to:
  - (a) note the recruitment process undertaken for Independent Persons.
  - (b) recommend to full Council the appointment of two new Independent Persons to the Standards Committee (further details to be provided following the interviews).

## Background

- 6 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.
- 7 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.
- 8 The role of the Independent Person was widened under the Local Authority's (Standing Orders) England (Amendment) Regulations 2015. In the case of proposed disciplinary action against a statutory officer, the Council is required to invite the Independent Persons 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 discipline or dismiss.
- 9 On 17 March 2023, the Standards Committee considered a report, which set out the proposals to recruit two new Independent Persons to the Standards Committee.

## Recruitment Process

- 10 The Standards Committee approved the following recruitment timetable:

Advert for the appointment of Independent Persons placed in the local press and on the Council website.	20 March 2023.
Closing date for applications and shortlisting.	Closing date for applications on 17 April 2023 and short listing to take place on 26 April 2023.
Interviews conducted by the Chair and Vice-Chair of the Standards	4 May 2023.

Committee supported by the Head of Legal and Democratic Services.	
Report Standards Committee to agree recommended appointments to Council.	10 May 2023.
Report to Council recommending appointment.	24 May 2023.

- 11 The roles were advertised in the local newspaper on 23 March 2023 and on the Council's website on 21 March 2023. The roles were also promoted on the Council's social media pages on 21 March 2023. Five applications were received, however, one applicant is ineligible as they do not meet the criteria of not having been a member/co-opted member of the Council or Town/Parish Council now or within the last five years.
- 12 The other four applicants meet the eligibility criteria and have experience relevant to the role. Therefore, all four have been shortlisted.
- 13 The interviews will take place on 4 May 2023, which is after publication of the agenda for the meeting on 10 May 2023. Accordingly, the information available to the Committee will be provided following the interviews.

### **Background papers**

- None.

### **Other useful documents**

- None.

### **Author(s)**

Debbie Hackett

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## **Appendix 1: Implications**

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### **Legal Implications**

Section 28 of the Localism Act 2011 requires the Council to have an Independent Person in place.

### **Finance**

The role of Independent Person is not remunerated. However, the Council will reimburse reasonably incurred travel and subsistence expenses. Where appropriate, the Council will pay for the Independent Person to attend training. These costs are met from the Legal and Democratic Services budget.

### **Consultation**

The Chair and Vice-Chair of the Standards Committee will participate in the shortlisting and interviews of the recruitment process.

### **Equality and Diversity / Public Sector Equality Duty**

The recruitment exercise was conducted in accordance with the Council's recruitment arrangements in relation to equality and diversity to ensure fairness.

### **Climate Change**

None.

### **Human Rights**

The role of Independent Person helps to ensure that complaints against Members and disciplinary proceedings against Statutory Officers are dealt with fairly.

### **Crime and Disorder**

None.

### **Staffing**

None.

### **Accommodation**

None.

**Risk**

There is a legal requirement to have a minimum of one Independent Person. Should no Independent Person be appointed, the Council will be at risk of legal challenge for not complying with the requirements of the Localism Act 2011, in the event that the Council is without an Independent Person in September 2023, which is when the existing Independent Persons term ends.

**Procurement**

None.