



Report of John Hewitt, Corporate Director of Resources and Helen Lynch, Head of Legal & Democratic Services and Monitoring Officer of the Council

Electoral division(s) affected:

None

Purpose of the Report

- 1 To set out the proposed extension of the term of office of the Independent Persons to the Standards Committee until 21 September 2021.

Executive summary

- 2 Durham County Council has two Independent Persons who are appointed in accordance with the Localism Act 2011. The Independent Persons appointment was confirmed in November 2016 for a term of four years, which expired on 21 September 2020
- 3 It was planned that a recruitment exercise for the Independent Persons would take place in advance of the end of their term of office and that the appointment would be approved by full Council.
- 4 Following the restrictions implemented as a result of the Covid-19 outbreak, Council meetings were suspended which resulted in the Council not being able to consider and approve the recruitment of two Independent Persons.
- 5 This report seeks approval from the Corporate Director of Resources to extend the term of office of the Independent Persons to the Standards Committee until 21 September 2021 under the Officer Scheme of Delegation at Part 3, Table 1, Paragraph 12.

Recommendation

- 6 That the Corporate Director of Resources exercises delegated authority under Part 3, Table 1, Paragraph 12 of the Constitution to extend the term of office for the two Independent Persons to 21 September 2021.

- 7 That the decision will be reported to the Council at its meeting on 21 October 2020 and to the Standards Committee at its meeting on 9 December 2020.

Background

- 8 Under section 28(7) of the Localism Act 2011, the County Council is required to appoint at least one Independent Person.
- The functions of the Independent Person are set out in legislation as follows: y 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.
- 9 In September 2012, Mr John Dixon Dawson and Mr Peter Jackson were appointed as Independent Persons for Durham County Council and their re-appointment was confirmed at the Standards Committee in November 2016 for a further four years to 21 September 2020.

Extension of Term of Office

- 10 In accordance with the Localism Act 2011, there is no prescribed time limit on the length of appointment of an Independent Person.
- 11 Section 28(7)(c) of the Act sets out that a person may not be appointed under the provision required by subsection (7) unless—
- (i) the vacancy for an independent person has been advertised in such manner as the authority considers is likely to bring it to the attention of the public,
 - (ii) the person has submitted an application to fill the vacancy to the authority, and
 - (iii) the person's appointment has been approved by a majority of the members of the authority.
- 12 In March 2020 a number of restrictions were put in place to minimise the spread of the Covid-19 which resulted in the suspension of public meetings. During this period it has not been possible to commence a recruitment exercise for Independent Members prior to the terms of the existing Independent Members expiring.

- 13 Following the introduction of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and changes to the Procedure Rules of the Authority which permitted remote meetings from 22 May 2020, limited meetings were reinstated.
- 14 It is anticipated that there will be a meeting of the full Council in October 2020 but this be one month after the terms of the existing members has expired. There may be a requirement to consult an Independent Person in the interim period. .
- 15 In the circumstances, it is considered appropriate to extend the term of office of the existing Independent Persons by one year. This would ensure continued provision of experienced and suitably qualified Independent Persons for the Authority.
- 16 In preparing this report there has been consultation with the Chair and Vice Chair of the Standards Committee who are supportive of the recommendation to extend the term of office by a further year in light of there being no viable opportunity to present the options to full Council nor an agreed recruitment exercise for the appointment of Independent Persons.
- 17 The two Independent Persons have both confirmed their willingness to continue in their role and have the term of office extended to the 21 September 2021.
- 18 This report has been prepared in consultation with the Monitoring Officer to the Authority and the decision to extend the term of office of the Independent Persons until 21 September 2021 is taken under the Officer Scheme of Delegation at Part 3, Table 1, Paragraph 12. It is a requirement that decisions taken using this delegation are reported to the next convenient meeting of the relevant Council body. Accordingly, this decision will be reported to the Council at its meeting in October and the Standards Committee at its meeting in December 2020.
- 19 At that meeting, the Committee will be asked to agree proposals to recruit new Independent Persons. The recruitment exercise will take account of the Committee in Standards in Public Life Best Practice Recommendations in relation to Independent Persons.

Background papers

- None

Other useful documents

- None

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Appendix 1: Implications

Legal Implications

There is no statutory prohibition to an extension of the term of office for the Independent Persons. In accordance with the Localism Act 2011 there is a requirement to have an Independent Person in place.

The Corporate Director of Resources exercises the delegated authority under Part 3, Table 1, Paragraph 12 of the Officer Scheme of Delegation, to extend the term of office of the Independent Persons.

Finance

There are no additional costs incurred in respect of the extension of the term of office for the existing two Independent Persons.

Consultation

There has been consultation with the Chair and Vice Chair of the Standards Committee who are supportive of the extension of the term of office. This report has also been prepared in consultation with the Monitoring Officer to the Authority.

Equality and Diversity / Public Sector Equality Duty

None.

Climate Change

None.

Human Rights

None.

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

None.

Procurement

None.