

Standards Committee

6 March 2023

Recruitment of Independent Persons



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 invite Members to consider the recruitment of Independent Persons prior to the expiry of the term of office of the existing Independent Persons in September 2023.

Executive summary

- 2 Durham County Council has two Independent Persons, Alan Fletcher and Kayleigh Louise Wilkinson, who are appointed in accordance with the Localism Act 2011. The Independent Persons were appointed on 22 September 2021 for a term of two years.
- 3 A vacancy has now arisen, and this report sets out proposals for a recruitment exercise to appoint up to two new Independent Persons to the Standards Committee.

Recommendation

- 4 The Standards Committee are asked to:
 - i. Note that Kayleigh Louise Wilkinson is no longer able to act as Independent Person;
 - ii. Request that the Head of Legal and Democratic Services commences a recruitment exercise with a view to appointing two new Independent Persons to the Standards Committee;
 - iii. Agree that shortlisted applicants will be interviewed by the Chair and Vice-Chair of the Standards Committee supported by the Head of Legal and Democratic Services;
 - iv. A further report be presented to the Standards Committee following the interviews seeking to agree recommendations to Council to appoint two new Independent Persons.

Background

- 5 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.
- 6 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.
- 7 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. A copy of the role profile and person specification for Independent Persons is attached at Appendix 2 to the report.
- 8 At its meeting on 14 July 2021, the Council appointed two Independent Persons for a two-year term with effect from 22 September 2021. It also delegated authority to the Standards Committee to extend the appointments of the Independent Persons for a further two-year term.
- 9 It is understood that Kayleigh Louise Wilkinson is no longer able to undertake the role and therefore it is necessary to commence a recruitment process with a view to appointing a new Independent Person to the consequent vacancy.
- 10 The other Independent Person continues in their role but has had a period where they have been unable to assist. During this period, the Council required the support of an Independent Person but it was not practicable to convene a meeting of the Standards Committee and/or Council in order to make an interim appointment. Accordingly, the Corporate Director for Resources exercised delegated powers under Table 1, paragraph 12 of the Officer Scheme of Delegation to appoint Karen Milner as Independent Person on an interim basis. Ms Milner is also the Independent Person for

Northumberland County Council. Prior to her appointment as Independent Person for Durham County Council, Ms Milner met with the Chair of the Standards Committee and the Head of Legal and Democratic Services. The Chair of the Standards Committee was satisfied that Ms Milner had the requisite skills and experience for the role.

- 11 The Head of Legal and Democratic Services recommends that the Council undertakes a recruitment exercise with a view to appointing two Independent Persons, which if successful would mean the Standards Committee is supported by three Independent Persons.
- 12 Whilst the statutory requirement is for the Council to have one Independent Person, the Head of Legal and Democratic Services considers that having three Independent Persons would provide resilience in the event that Independent Persons are away on holiday or unwell. It would also provide an opportunity for a different Independent Person to be involved in a Standards Hearing if another has been consulted at an earlier stage in the complaint process.

Recruitment Process

- 13 The proposed recruitment for the Independent Persons will broadly follow the same process as previously. The table below shows an indicative timetable for the recruitment process and allows time for full Council to approve a revision to the duration of the term of office which is set out later in this report.

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 Committee supported by the Head of Legal and Democratic Services.	4 May 2023.
Report Standards Committee to agree recommended appointments to Council.	10 May 2023.
Report to Council recommending appointment.	24 May 2023.

Duration of Appointment

- 14 In accordance with the Localism Act 2011, there is no prescribed time limit on the length of appointment of an Independent Person. There is provision set out at section 28(7)(c) 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.
- 15 On 20 January 2021, Council agreed that the term of office for the Independent Persons should be two-years with the option of extending for a maximum of a further two-years. This is consistent with best practice as identified by the Committee for Standards in Public Life (CSPL).

Background papers

- None.

Other useful documents

- None.

Author(s)

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Appendix 1: Implications

Legal Implications

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

Finance

A recruitment exercise will involve costs in advertising and recruitment as well as subsequent training. These costs are met from the Legal and Democratic Services budget.

Consultation

None.

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.

Appendix 2: Role profile and Person specification
