

Standards Committee

8 June 2023



Appointment of Independent Persons to the Standards Committee

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 appoint three new Independent Persons to the Standards Committee.

Executive summary

- 2 At its meeting on 10 May 2023, the Standards Committee received an update as to the recruitment process for Independent Persons, which commenced on 20 March 2023.
- 3 The Standards Committee agreed to recommend the appointment of three new Independent Persons in accordance with section 28 of the Localism Act 2011.
- 4 Full Council has historically been responsible for the appointment of Independent Persons. However, at its annual meeting on 24 May 2023, it delegated this responsibility to the Standards Committee.
- 5 This report recommends therefore recommends that the Standards Committee appoints three new Independent Persons.

Recommendation

- 6 The Standards Committee are recommended to:
- (a) Appoint Chris Hugill, David Rogers and Steven Winder as Independent Persons to the Standards Committee with effect from 12 June 2023 for a term of two years.
 - (b) Request that the Chair writes on behalf of the Committee to Karen Milner, to thank her for her support as interim Independent Person.

Background

- 7 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.
- 8 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.
- 9 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.
- 10 On 17 March 2023, the Standards Committee agreed to commence a recruitment process for new Independent Persons. On 10 May 2023, the Standards Committee received an update as to the outcome of interviews for Independent Person, which were held on 4 and 5 May 2023.
- 11 The Committee had initially intended to appoint up to two Independent Persons. However, having considered the representations of the Panel, the strength of the three candidates and the benefits of having four independent persons (including the existing Independent Person), the Committee agreed to recommend the appointment of three candidates.
- 12 The Committee supported the Panel's recommendation that Chris Hugill, David Rogers and Steven Winder be recommended for appointment.
- 13 At that point, full Council was responsible for the appointment of Independent Persons. However, at the annual meeting on 24 May 2023, Council agreed (as part of the annual review of the Constitution) to delegate this responsibility to the Standards Committee. Accordingly, the Standards Committee is asked to confirm the appointments.

- 14 It is proposed that the appointments will commence on 12 June 2023 for a term of two years. Standards Committee will be asked to consider whether to extend their term of office for a further two years in 2025.
- 15 Once appointed, the Independent Persons will be invited to induction training with the Monitoring Officer. They will be expected to attend at least two meetings of the Standards Committee a year.
- 16 The existing Independent Person has confirmed that he is able to recommence his work on behalf of the Committee. If the Committee appoints the three new Independent Persons, the Council will no longer require assistance from Karen Milner who was appointed in February 2023 on an interim basis.
- 17 The Monitoring Officer and her team are grateful to Ms Milner for her support during the interim period. She has been consulted by Officers and subject members to complaints. Her input has been greatly valued and appreciated. It is suggested that the Chair writes to Ms Milburn on behalf of the Committee to thank her for all her support over the last few months.

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

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 conducted the shortlisting and interviews for the role of Independent Person.

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.