

Standards Committee

8th September 2023

Extension of the term of the Independent Person



Report of Helen Lynch, Head of Legal and Democratic Services and Monitoring Officer

Electoral division(s) affected:

None

Purpose of the Report

- 1 To inform the Standards Committee of the proposal to extend the term of the current Independent Person.

Executive summary

- 2 The Council is required to appoint at least one Independent Person under section 28 of the Localism Act 2011.
- 3 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.
- 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 therefore recommends that the Standards Committee agrees to extend the term of Alan Fletcher as the Independent Person for an additional 2 years.

Recommendation(s)

- 6 The Standards Committee are asked to:
 - a) Agree that the term of Alan Fletcher as Independent Person should be extended for a further 2 years with effect from 22 September 2023.

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 At a full Council meeting on 14 July 2021, the Council appointed two Independent Persons for a two-year term with effect from 22 September 2021, Kayleigh Louise Wilkinson, and Alan Fletcher. It also delegated authority to the Standards Committee to extend the appointments of the Independent Persons for a further two-year term.
- 11 The committee were informed at the meeting on 3 March 2023 that one of the Independent Persons in post was unable to undertake the role, and as a result recommended that a recruitment process began with the view to appointed three new Independent Persons.
- 12 As a result, a period of recruitment began with the Committee agreeing to appoint three new Independent Persons at the meeting of 8 June 2023.
- 13 At the meeting on 3 March 2023, the Committee were also made aware that the other Independent Person appointed in 2021, Alan Fletcher continued in his role but has had a period where he was unable to assist. Mr Fletcher has since been able to return to his role and has continued to act as an Independent Person.

- 14 Mr Fletcher's term as Independent Person is due to come to an end on 22 September 2023, but he has expressed his desire to have his term extended to continue as an Independent Person.
- 15 The Head of Legal and Democratic Services considers that extending Mr Fletcher's term as Independent Person would further provide resilience to the Standards Regime and would mean having four Independent Persons in total.

Duration of Appointment

- 16 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.
- 17 On 20 January 2021, full 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).
- 18 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.
- 19 Should the Committee agree that the term of Alan Fletcher as Independent Person be extended by two years, his term will be extended, lasting until 22 September 2025.

Other useful documents

- The Localism Act 2011

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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

None

Equality and Diversity / Public Sector Equality Duty

None

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

None

Procurement

None