

**Review of the Independent Persons
Remuneration and Term of Office**

**Report of Colette Longbottom, Head of Legal and Democratic
Services**

Purpose of the Report

1. To consider the remuneration and term of office of the Council's 'Independent Persons'.

Background

2. Under the provisions of the Localism Act 2011, the Council is required to appoint at least one independent person to assist the Council in promoting high standards of conduct amongst its elected members and Parish and Town Councillors. The independent person is consulted by the Monitoring Officer/Standards Committee on a decision to investigate an allegation of a breach of the Code of Conduct by a Councillor and prior to a decision being made on an investigated complaint. In addition, the independent person can be contacted by the Member of the Authority against whom an allegation has been made.
3. The Council has appointed two independent persons who currently receive no remuneration or expenses. When Council was advised of the changes to the system of regulation of standards of conduct for elected and co-opted members in March 2012, it was considered appropriate to undertake a proper review of that function before the option of any remuneration was set. No term of office was set for the independent persons at that time.
4. The role of the independent person has been widened under the Local Authority's (Standing Orders) England (Amendment) Regulations 2015, which came into force on 11 May 2015. These new regulations change the localised disciplinary process in relation to the Council's Head of Paid Service, the Chief Finance Officer and the Monitoring Officer statutory positions. In the case of any proposed disciplinary action against a statutory officer, the Council is required to appoint the independent persons who have been appointed for the purposes of the Members Code of Conduct regime to the Chief Officer Appointments Committee, which makes recommendations to Full Council regarding any decision to dismiss a statutory officer.
5. The review of the role of the independent person has now been carried out to establish appropriate remuneration and terms of office.

Independent Persons Remuneration

6. Any remuneration of an independent Person is outside the Members' Scheme of Allowances, as an Independent Person is not a Member or Co-opted Member of the Council. It is therefore not necessary to seek recommendations of the Independent Remuneration Panel in determining the remuneration of an Independent Person.
7. The duties of an independent person under the Localism Act are quite different to the duties of the former Independent Members of the Standards Committee who used to sit on Assessment Sub-Committees and Hearing Panels. Under the Localism Act the views of the independent person must be sought and taken into account by the Council before it makes its decision on any allegation that it has decided to investigate and the independent person's views may be sought by members who are subject to a Code of Conduct complaint.
8. In 2012/13 and 2013/14 the independent persons spoke to the subject member in approximately one third of cases (10 out of 34). In 2014/15 which saw a higher number of complaints, the independent person was involved in approximately one fifth of cases (10 out of 49). The views of one of the independent persons were also sought in one case which was referred for investigation.
9. The Council's Co-opted members are entitled to claim travelling allowances at rates set out in the Members' Handbook and Allowances Guide and it is proposed that this would also be an appropriate means of remuneration for the Council's independent persons.
10. It is also recommended, and supported by Constitution Working Group, that in addition to the payment of travelling allowances, the Council pay the independent persons the sum of £500 each per annum. This cost could be met from within existing budgets and Democratic Services will start recording their workloads to assist with future reviews of this amount.

Other Councils

11. Enquiries of other Councils in the region have revealed the following information regarding the payment of remuneration to independent persons;

Local Authority	Remuneration to IP
Cumbria County Council	Reasonable travelling expenses
Darlington Borough Council	£802 (which equates to 10% of the members' basic allowance)
Gateshead Council	£1,000 per annum
Hartlepool Borough Council	Travelling expenses

Middlesbrough Council	No payment
Northumberland County Council (the Independent Person is the Chair of the Standards Committee)	£2,700 per annum
Redcar & Cleveland Borough Council	£500 per annum
South Tyneside Council	£1,000 per annum
Stockton Borough Council	£650 per annum plus travel and subsistence at members' rates

Independent Persons Term of Office

12. Previous independent members of the Standards Committee were appointed for a term of office of four years to allow for continuity. It is suggested that a similar term of office of four years should also apply to the Council's Independent Persons who were appointed in September 2012. This approach is in line with that adopted by a number of other Councils both regionally and nationally.

Recommendations and reasons

13. To agree that
- (i) Travelling allowances be paid to the Council's independent persons;
 - (ii) Annual remuneration of £500 should be paid to the Council's independent persons with Democratic Services to record workloads to assist with future reviews;
 - (iii) The Corporate Director of Resources is delegated to agree a date for the implementation of the commencement of the payment in consultation with the Cabinet Portfolio Holder for Finance;
 - (iv) The term of office for the independent persons should be set at 4 years from the time of appointment.

Appendix 1: Implications

Finance – the cost of payment to the independent persons can be met from within existing budgets.

Staffing - none specific in this report

Risk - none specific in this report

Equality and Diversity - none specific in this report

Accommodation - none specific in this report

Crime and Disorder - none specific in this report

Human Rights - none specific in this report

Consultation - none specific in this report

Procurement - none specific in this report

Disability Discrimination Act - none specific in this report

Legal Implications - none specific in this report