



COUNCIL:
16 December 2020

Report of: Legal & Democratic Services Manager

Relevant Portfolio Holder: Councillor I Moran

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SUBJECT: APPOINTMENT OF INDEPENDENT PERSONS – STANDARDS COMMITTEE

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To approve the appointment of Independent Persons (Standards Committee).

2.0 RECOMMENDATIONS

2.1 That Mr Stephen Garvey and Mr Mike Fawcett be appointed Independent Persons, with an annual allowance of £375 each.

3.0 APPOINTMENT OF INDEPENDENT PERSONS

3.1 The system of regulation of standards of member conduct in England is governed by the Localism Act 2011. Local authorities must have a Code of Conduct for members, which must be consistent with the Nolan Committee's principles of selflessness, honesty, integrity, objectivity, accountability, openness and leadership.

3.2 All local authorities (other than parish and town councils) must have procedures in place to deal with complaints about member conduct. It is for the authority to decide the details of those procedures, but legally they must appoint at least one Independent Person, whose views are to be taken into account before making a decision on a complaint that the authority have decided to investigate and who is to assist the Council in the discharge of its duty to promote and maintain high standards of conduct.

3.3 In 2012 the Council appointed Independent Persons, Mr Stuart Ibbs (Independent Person) and Mr Stephen Garvey (Reserve Independent Person). In

August 2020 Mr Ibbs advised that he was stepping down from his position as Independent Person and thus a vacancy has arisen.

- 3.4 Maintaining access to two Independent Persons is consistent with the findings of the Committee on Standards in Public Life which conducted a national review of local government ethical standards, the results of which were published in January 2019. Best Practice Recommendation number 7 recommends that local authorities should have access to at least two Independent Persons.
- 3.5 At its meeting on 15 September 2020 Standards Committee resolved that a recruitment exercise be undertaken to appoint a second Independent Person, in addition to Mr Garvey.

4.0 PROCESS FOR APPOINTING AN INDEPENDENT PERSON

- 4.1 An Independent Person must be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all members of the Council.

A person is considered not to be “independent” if –

- (a) he/she is, or has been within the last 5 years, an elected or co-opted member or an officer of the Borough Council or of any of the Parish Councils within its area;
- (b) he/she is, or has been within the last 5 years, an elected or co-opted member of any Committee or Sub-Committee of the Borough Council or of any of the Parish Councils within its area; or
- (c) he/she is a relative or close friend of a current elected or co-opted member or officer of the Borough Council or any Parish Council within its area, or of any elected or co-opted member of any Committee or Sub-Committee of such Council.

For this purpose, “relative” comprises –

- (i) the candidate’s spouse or civil partner;
- (ii) any person with whom the candidate is living as if they are spouses or civil partners;
- (iii) the candidate’s grandparent;
- (iv) any person who is a lineal descendent of the candidate’s grandparent;
- (v) a parent, brother, sister or child of anyone in Paragraphs (i) or (ii);
- (vi) the spouse or civil partner of anyone within Paragraphs (c), (d) or (e);
or
- (vii) any person living with a person within Paragraphs (iii), (iv) or (v) as if they were spouse or civil partner to that person.

- 4.2 The recruitment process started on 28 October 2020 when an advert was placed in the local newspaper and published on the Council's website. A press release was also issued. Six application forms were received before the deadline of 16 November 2020. Applications were shortlisted to five candidates by the Legal & Democratic Services Manager (Monitoring Officer), the Principal Solicitor (Deputy Monitoring Officer), the Democratic Services Manager and the Member Services Officer (Standards Committee). Interviews took place on Thursday, 26 November 2020 and Members were notified as soon as possible thereafter of the recommendation arising from the interviews.

4.3 The Committee on Standards in Public Life does not draw a distinction between the roles of Independent Person and Reserve Independent Person and so it is proposed to appoint both Stephen Garvey and Mike Fawcett as Independent Persons. This will allow, for instance, one of the Independent Persons to act where the other is conflicted and to ensure that both Independent Persons feel fully engaged in the assisting the Council in the discharge of its duty to promote and maintain high standards of conduct.

5.0 SUSTAINABILITY IMPLICATIONS

5.1 There are no significant sustainability impacts associated with this report and, in particular no significant impact on crime and disorder.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

6.1 An annual allowance is payable to the Independent Persons totalling £750 (£375 each).

7.0 RISK ASSESSMENT

7.1 The Council must put in place arrangements in order to comply with the requirements of the Localism Act. Failure to do so or to adhere to suitable arrangements may expose the Council to the risk of judicial review proceedings or Ombudsman action. Any action taken in respect of Members would be proportionate in accordance with the requirements of the Human Rights Act.

8.0 HEALTH AND WELLBEING IMPLICATIONS

8.1 There are no health and wellbeing implications arising from this report.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

None