



STANDARDS COMMITTEE REPORT

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| Report Title | Standards Committee Working Group – Recommendations relating to the appointment of Independent Person(s) |
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AGENDA STATUS: Public

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| Committee Meeting Date: | 20 th May 2013 |
| Policy Document: | N/A |
| Directorate: | Borough Secretary |

1. Purpose

- 1.1 To provide the Committee with an update on the progress of the Standards Committee Working Group (the “Working Group”) towards the recruitment of Independent Person(s); to advise the Committee of the conclusions of the Interview Panel; and to ask the Committee to make a recommendation to Full Council as to the appointment of Independent Person(s).

2. Recommendations

- 2.1 That Standards Committee note the update on the process that has been undertaken to recruit Independent Person(s) in accordance with the Localism Act 2011 (the “Act”).
- 2.2 That Standards Committee note the conclusions of the Interview Panel in relation to the appointment of Independent Person(s).
- 2.3 That Standards Committee make a recommendation to Full Council as to who should be appointed as this Council’s Independent Person(s) from 1st July 2013 following the end of the transitional period.
- 2.4 That Standards Committee accept the recommendation of the Working Group that an appropriate allowance for an Independent Person is £500 per year and to recommend this amount to Full Council.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The Act made changes to the system of regulation of standards of conduct for elected Councillors and any co-opted Members. On 21st June 2012 the Council adopted new standards arrangements which came into force on 1st July 2012 in accordance with the requirements of the Act. The new standards arrangements adopted by Council were the arrangements recommended to it by the previous statutory Standards Committee on 18th June 2012.
- 3.1.2 The Act requires the Council to appoint at least one Independent Person.
- 3.1.3 The functions of the Independent Person(s) as set out in the Act are:
- they must be consulted by the authority and their views taken into account before the authority 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 of that member. (This means that their views must be sought on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);
 - 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 District Council or of a Parish Council against whom a complaint has been made.
- 3.1.4 The Council's *Arrangements for Dealing with Allegations of Breaches of the Northampton Borough Council Members' Code of Conduct and Codes of Conduct Adopted by Parish Councils* reflect the requirements of the Act and include the involvement of an Independent Person. The Arrangements set out full details of the role of the Independent Person.
- 3.1.5 Broadly, the Independent Person must be someone who is not (or has not recently been) an Officer of the Council or a Member or co-opted member of the Council or of any Parish Council within the Borough. Certain classes of relatives and close friends of Members and Officers are also prevented by law from being an Independent Person.
- 3.1.6 The Act states that a person may only be appointed as an Independent Person if:
- the vacancy has been advertised in such a manner as the authority considers is likely to bring the vacancy to the attention of the public;
 - the person has submitted an application to fill the vacancy to the authority; and

- the person's appointment has been approved by a majority of the members of the authority.

3.2 Current Independent Person

- 3.2.1 As Members will be aware, the current Independent Person is Ian Harley, who was Independent Chair of the previous statutory Standards Committee prior to the changes implemented by the Act. Ian Harley's appointment as Independent Person was ratified by Council on 22nd October 2012. Transitional provisions made under the Act allowed for previous independent members of statutory standards committees to be appointed as Independent Persons under the new arrangements for the duration of the transitional period which ends on 30th June 2013.
- 3.2.2 The law requires Ian Harley to cease to be the Independent Person after 30th June 2013.
- 3.2.3 The Council must in accordance with statute have appointed an Independent Person in order to operate its standards Arrangements. Therefore, in March 2013, the Working Group was set up comprising volunteers from the Standards Committee to facilitate the recruitment of at least one Independent Person to carry out the role from 1st July 2013.

3.3 The actions of the Working Group

- 3.3.1 The Working Group met on 15th March 2013. At this meeting the Working Group:
- Agreed a timetable for the recruitment process (working towards the requirement for the Full Council to approve the appointment of any Independent Person).
 - Agreed amendments to the draft Application Pack and job advertisement. (The final Application Pack is at Appendix 1 for Members' information) .
 - Agreed how and where the role should be advertised.
 - Agreed to recommend £500 per year to the Standards Committee and Council as an appropriate allowance amount.
- 3.3.2 The Borough Secretary advertised the role of Independent Person in accordance with the instructions of the Working Group. The position was advertised in the Chronicle and Echo and Herald and Post newspapers. It was also placed on 'Every Road Leads To Us', which is a shared online recruitment portal that is linked to the job vacancy webpages of each of the District Councils in the County. The Communications Department also did a news release about the role.
- 3.3.3 A number of enquiries and applications were received for the role. An Interview Panel comprising three members of the Working Group and the Monitoring Officer met to shortlist applications on 18th April 2013. Two

applicants were shortlisted for interview. Both applicants were interviewed by the Interview Panel on 30th April 2013.

- 3.3.4 The Interview Panel concluded that both applicants were eligible to carry out the role of Independent Person and were both appointable given the application criteria, although, there was some comment about the availability of one candidate given the requirements of the post.

3.4 Choices and Issues

3.4.1 The Standards Committee is therefore asked to consider whether one or both candidates should be recommended for appointment by Full Council.

3.4.2 Recommending the appointment of more than one Independent Person

3.4.2.1 As stated in paragraph 3.1.2, the Act requires the Council to appoint at least one Independent Person, which leaves it open to the Council to choose to appoint more than one Independent Person. The Council's Arrangements do provide for the appointment of more than one Independent Person.

3.4.2.2 There are potentially some advantages associated with the appointment of more than one Independent Person. For example, it would mean that if one Independent Person was unavailable, the other could be called upon to provide their view, which would minimise the risk of any delay in the management of the process for dealing with standards complaints. There are inevitably peaks and troughs in the level of standards complaints at any one time. In times where the level of complaints is relatively high, it may be beneficial if there was more than one Independent Person available to consult with the Monitoring Officer, or with Councillors who have become the subject of a complaint as required. Appointing more than one Independent Person would be in line with the practice of a number of other Councils.

3.4.2.3 If the Council were to appoint more than one Independent Person upon the recommendation of the Standards Committee, it is likely that there would be a need to develop a Protocol or Guidance about how more than one Independent Person would operate within the standards framework. Further, if the Council was to appoint more than one Independent Person, there would be a need to pay each the agreed level of allowance.

4. Implications (including financial implications)

4.1 Policy

4.1.1 Not applicable.

4.2 Resources and Risk

4.2.1 As outlined in the body of the Report.

4.3 Legal

4.3.1 The legal implications are outlined in the body of the Report.

4.4 Equality

4.4.1 None directly arising from this Report.

4.5 Other Implications

4.5.1 None

5. Background Papers

5.1 None

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