

**North East Derbyshire District Council**

**Annual Council**

**26 May 2015**

<b>Future Arrangements for Independent Persons and Co-opted Members</b>
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**Report of the Chair of Standards Committee**

This report is public

**Purpose of the Report**

- To decide the future arrangements for Independent Persons and co-opted members of Standards Committee following consideration by the Committee at its meeting on 26 March.

**1 Report Details**

- 1.1 The Localism Act 2011 required the Council to appoint Independent Persons who must be consulted by the Authority before a decision is taken on a complaint against a member and who may be consulted by the member and at any other time by the Authority.
- 1.2 To be appointed, an Independent Person must go through a recruitment process and not have been a member, co-opted member or officer of the authority or a parish council in the District or be a relative or close friend of any such person. They also cannot have been a member or officer of the District or parish council in the last five years.
- 1.3 The Council appointed Mr Ian Daines and Mr Stuart Hooton in July 2012 as its Independent Persons and, subsequent to that, set their terms of office so that they would end in May 2015. The Council would then have an opportunity to review the arrangements and decide whether to re-appoint or re-advertise, taking account of the wishes of the individuals in post, the Standards Committee and the new Council membership.
- 1.4 The Council has enjoyed a constructive relationship with its Independent Persons when it has needed to call on them. Given the short length of time they have spent in office it is felt that they retain independence of mind. Furthermore, given the amount of work required to be undertaken post-elections there is little appetite to go through a further recruitment process.
- 1.5 Following The Local Authorities (Standing Order) (England) (Amendment) Regulations 2015, the role of the Independent Persons has been expanded to include a role for them in giving advice, views and recommendations to the Authority in respect of potential dismissal cases against statutory officers, i.e. Head of Paid Service, Section 151 Officer and Monitoring Officer.

- 1.6 Both Independent Persons have indicated a willingness to continue in their roles, including the expanded role, and it is Standards Committee's recommendation that their terms of office be extended to the end of May 2019.
- 1.7 In addition, the Council appointed two non-voting co-opted members to represent parish and town councils on the Standards Committee. This was a local decision aimed to secure representation for the parishes over which the District Council has jurisdiction on ethical standards matters and to give them a voice. The appointments were for the life of the present Council.
- 1.8 The arrangement has been beset by two resignations necessitating three sets of elections processes for one of the posts, the last one being run by the District Council rather than the local county association. Nevertheless there still appears to be interest with an election held on two of the three occasions and a high level of involvement from the parishes in the last case.
- 1.9 The Standards Committee considered a number of options moving forward including:
- a) Abolishing the co-opted member roles, however this would leave the parish and town councils without representation and a voice on standards matters.
  - b) Retaining the two co-opted member roles as they are.
  - c) Reducing the number of co-opted roles to one.
- 1.10 The Standards Committee decided to recommend option (b) with fresh elections to be held involving all parish councils and be open to all new parish councillors. This would give the successful candidates a mandate to represent the parish councils and will help highlight the profile of the Standards Committee to new parish councillors.
- 1.11 It is proposed that the elections again be organised by the Council. An indicative timetable is set out below:

Action	Time-scale
Letter to parishes requesting candidates	w/c 1 June
Deadline for nominations	w/c 26 June
If more than one candidate, write to all parishes with ballot paper	w/c 29 June
Deadline for ballots	31 July
Result announced	31 July

## **2 Conclusions and Reasons for Recommendation**

- 2.1 To decide the arrangements for the Council's Independent Persons and co-opted members of Standards Committee.

## **3 Consultation and Equality Impact**

- 3.1 The Independent Persons have been consulted and expressed a wish to be reappointed. The existing co-opted members have been advised of the contents of this report.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 The Council could go out to recruitment for Independent Persons but this would cause a two month delay to any complaints that were required to be determined while the process was organised. This is not in the best interests of efficiency and is unfair to any members who are subject to complaints. It is also not necessary since both Independent Persons have expressed a wish to stay on and are still, in the view of officers, of independent mind.
- 4.2 Officers also considered the option of reducing the number of Independent Persons employed by the Council to one. This would save the Council approximately £800 but would cost more in terms of advertising and recruitment costs. In addition, having two allows the Council to use the Independent Persons at different stages of the complaints process. It also provides breadth of experience and ensures continuity in case of sickness, annual leave or other non-availability. The new legislation in respect of handling statutory officer dismissal cases also requires a panel of at least two IPs.
- 4.3 Options for the future of the co-opted members are presented in the report. It was the view of Standards Committee that the two co-opted member roles should be preserved but that fresh elections be held to appoint the post-holders.

## **5 Implications**

- 5.1 The cost of employing two Independent Persons is approximately £1,600 per annum.
- 5.2 The cost of having two co-opted members is approximately £1,020.

## **6 Recommendations**

- 6.1 That the Council notes the increased role for Independent Persons in relation to dismissal cases against the Council's statutory officers.
- 6.2 That the terms of office of the Council's two Independent Persons, Mr Ian Daines and Mr Stuart Hooton, be extended until the end of May 2019.
- 6.3 That the Council organise fresh elections for the two co-opted member of Standards Committee positions, in line with the timetable set out in paragraph 1.11.

## 7 Decision Information

<b>Is the decision a Key Decision?</b> (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
<b>District Wards Affected</b>	None
<b>Links to Corporate Plan priorities or Policy Framework</b>	None

## 8 Document Information

Appendix No	Title
	None
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None	
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