

**North East Derbyshire District Council**

**Standards Committee**

**26 March 2015**

<b>Future Arrangements for Independent Persons and Co-opted Members</b>
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**Report No ADGMO/7/15/MK/SS of the Assistant Director – Governance and Monitoring Officer**

This report is public

**Purpose of the Report**

- To consider future arrangements for Independent Persons and co-opted members of Standards Committee following the May elections.

**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 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 reappoint or re-advertise, taking account of the wishes of the individuals in post, Standards Committee and the wider 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 'just for the sake of it'.
- 1.5 Both Independent Persons have indicated a willingness to continue in their roles and it is officers' recommendation that their terms of office be extended to the end of May 2019.

- 1.6 The Council also 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.
- 1.7 The arrangement has been beset by two resignations necessitating three sets of elections processes for one post, 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.
- 1.8 The Committee has a number of options moving forward. It could:
- a) Abolish the co-opted member roles, however this would leave the parish and town councils without representation and a voice on standards matters.
  - b) Retain the two co-opted member roles as they are.
  - c) Reduce the number of co-opted roles to one.
- 1.9 Whichever option the Council opts for, it is proposed that fresh elections be held following the May parish elections which would involve all parish councils and be open to all new parish councillors. There is a requirement for fresh elections as the current incumbents may not be returned for the parishes or may be elected into conflicting roles, i.e. on the District Council. It is also important to bear in mind that these roles are representative, rather than statutory as in the Independent Person, so a fresh election gives the successful candidate(s) a mandate to represent the parish councils. It also highlights the profile of the Standards Committee to new parish councillors.

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

- 2.1 To consider 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 two 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 one to 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.
- 4.3 Options for the future of the co-opted members are presented in the report. The Council could decide to reappoint the existing co-opted members to the roles should they wish to be reappointed. However, it is felt that any co-opted members should have a mandate to represent the parish and town councils in the District. This necessitates a fresh election.

## **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 To recommend to Council an extension of the terms of office of Mr Ian Daines and Mr Stuart Hooton as Independent Persons until the end of May 2019.
- 6.2 To recommend to Council an option in respect of the co-opted members from the three set out in paragraph 1.8.

## **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**

<b>Appendix No</b>	<b>Title</b>
	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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