

North East Derbyshire District Council

23 September 2024

Appointment of Independent Persons

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Assistant Director of Governance and Monitoring Officer,
Sarah Sternberg

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PURPOSE / SUMMARY

To advise Members on the extension of the appointment of Amanda Orchard and David Richardson as Independent Persons to assist with the Standards Process for a period of 3 years.

RECOMMENDATIONS

1. To reappoint Amanda Orchard and David Richardson as Independent Persons under the Localism Act 2011 until the end of May 2027.
2. To confirm Graham Hudson as an Independent Person under the Localism Act 2011 until the end of May 2027

Approved by the Chairman of Standards Committee

IMPLICATIONS

Finance and Risk: Yes No

Details:

The cost of employing an Independent Person is approximately £800 per annum and is covered within existing budgets.

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

As in the report.

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	N/A
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	No Details:

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 1.1 The Localism Act 2011 requires 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 In addition the Independent Persons must also be involved in any disciplinary action against any of the three statutory officers, those being the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.
- 1.3 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 cannot have been a member or officer of the District or Parish Council in the last five years.
- 1.4 The Council appointed Amanda Orchard and David Richardson on 26 April 2021 with a contract until May 2024 and as such it is now required to be extended to the end of term in May 2027.

2. Details of Proposal or Information

- 2.1 It has been considered in the Monitoring Officer’s opinion that the 2 Independent Persons contracts are required to be extended at this time.

3 Reasons for Recommendation

- 3.1 It is considered that 2 Independent Persons are required. The Council was fortunate enough to be able to appoint 3 suitable Independent Persons. Mr Graham Hudson has been with the Council since May 2014 and has gained much experience and continues in the role for the remainder of his term. A second and third Independent Person provides resilience and impartiality and both Ms Orchard and Mr Richardson are recommended for their gained experience as ideal to continue in their roles for the Council.

4 Alternative Options and Reasons for Rejection

- 4.1 The Council could consider the option of reducing the number of Independent Persons employed by the Council to one or two. However having three 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 the case of sickness, annual leave or other non-availability.
- 4.2 The Council could readvertise for the positions. However the current arrangement is working well and as noted above the current Independent Persons have gained good experience in the role which is helpful for the Council.

DOCUMENT INFORMATION

Appendix No	Title
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N/A	
Background Papers (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)	
N/A	