

North Tyneside Council

Report to Council

Date: 27 September 2012

ITEM 7

Title: Appointment of Independent Person

Portfolio(s): Elected Mayor

Cabinet Member(s): Mrs Linda Arkley

Report from Directorate: Chief Executive's Office

Report Authors: Vivienne Geary, Head of Legal, Governance and Commercial Services (Tel: 643 5339)

Stephen Ballantyne, Lawyer Specialist: Governance and Employment (Tel: 643 5329)

Wards affected: All

PART 1

1.1 Purpose:

The Localism Act 2011 ("the Act") places a statutory duty on the Authority to promote and maintain high standards of conduct by its elected and co-opted members. The Act requires the Authority introduce local arrangements to handle any misconduct complaints including the appointment of Independent Persons.

1.2 Recommendation(s):

It is recommended that Council note the content of the report and appoint Mrs Stella Gardner as Independent Person pursuant to the requirements of the Localism Act 2011.

1.3 Forward Plan:

This report appears on the Forward Plan for the period 1 June 2012 to 30 September 2012.

1.4 Council Plan and Policy Framework

This report does not directly relate to any priorities in the Council Strategic Plan 2012/15.

1.5 Information:

Appointment of Independent Persons

The Localism Act 2011 requires the Council to appoint at least one Independent Person. The Independent Person's views are required to be sought and taken into account before the Authority's Governance Committee makes a decision on any allegation which has been investigated that a Member or Co-opted member has failed to comply with the

requirements of the Code of Conduct for Members and Co-opted Members, and at other times when considered appropriate. An Independent Person's views may also be sought by a Member who is the subject of a misconduct complaint.

The Council at its meeting on 4 July 2012 agreed to the appointment of two Independent Persons, in order to deal with situations where one Independent Person is ill, indisposed, away on holiday, or indeed has a conflict of interest in a matter on which they have to be consulted.

Mr George Clark was appointed at the July Council meeting as one of the Independent Persons. A second appointment at that meeting was not possible and Council authorised the Monitoring Officer to undertake a further recruitment process, in consultation with the Chair and Deputy Chair of the Governance Committee.

Following advertisement and the receipt of applications a selection process has been undertaken by the Monitoring Officer, with as previously the Group and Deputy Group Leader representatives, to identify and select a suitable candidate.

Interviews took place on 12 September 2012 and Mrs Stella Gardner has been selected as suitable for appointment as the Authority's Independent Person. The Chair and Deputy Chair of the Governance Committee have been consulted in relation to the recommendation and are supportive of this candidate. Council is therefore recommended to appoint Mrs Gardner as the Council's second Independent Person accordingly.

1.6 Decision options:

The following decision options are available for consideration by Council:

Option 1

Approve the proposal and recommendation as set out in the report.

Option 2

Not approve the proposal and recommendation as set out in the report.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended as the Council has previously determined to appoint two Independent Persons.

1.8 Appendices:

Appendix 1: Short CV of Mrs Stella Gardner (to follow)

1.9 Contact officers:

The names, titles and contact numbers of the key officer who has contributed to the report and other relevant officers should be set out here in the following format:

Vivienne Geary, Head of Legal, Governance and Commercial Services

(0191) 643 5339

Stephen Ballantyne, Lawyer Specialist: Governance
and Employment

(0191) 643 5329

Alison Campbell, Finance Business Manager

(0191) 643 7038

1.10 Background information:

The following background papers/information has been used in the compilation of this report and are available at the office of the author:

The Localism Act 2011

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The allowance to be paid to the Independent Persons has been determined by Council. The allowance will be contained within the budget which covered the allowances payable to the former Independent Chair and five independent members of the Standards Committee.

2.2 Legal

The Localism Act 2011 places a statutory duty on the Authority to promote and maintain high standards of conduct by its elected and co-opted members and to appoint Independent Persons.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Consultation has been undertaken with the Chair and Deputy Chair of the Governance Committee. Group Leader and Deputy Group Leader representatives, including the Deputy Mayor, were involved in the selection process for a suitable candidate.

2.3.2 External Consultation/Engagement

Consultation in relation to the appointment of Independent Persons was previously undertaken with the Tyne and Wear authorities and Northumberland County Council.

2.4 Human rights

There are no human rights issues arising from this report.

2.5 Equalities and diversity

There are no equality and diversity issues arising from this report.

2.6 Risk management

There are no risk management issues arising from this report.

2.7 Crime and disorder

There are no crime and disorder issues arising from this report.

2.8 Environment and sustainability

There are no environment and sustainability issues arising from this report.

PART 3 - SIGN OFF

- Chief Executive X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Strategic Manager, Policy and Partnerships X