

North Tyneside Council

Report to Council

Date: 21 July 2016

ITEM 8
Title: **Appointment of
Independent Persons**

Report from Service

Area: Law and Governance

Responsible Officer: Vivienne Geary, Head of Law and Governance (Tel: (0191) 643 5339)

Wards affected: All

PART 1

1.1 Executive Summary:

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 to have local arrangements to handle any misconduct complaints including the appointment of Independent Persons. This report requests Full Council to renew the existing appointments of the current holders of these roles from 1 August 2016.

1.2 Recommendation(s):

It is recommended that Council note the content of the report and appoint Mr George Clark and Ms Stella Gardner as the Authority’s Independent Persons pursuant to the requirements of the Localism Act 2011 for a period of two years until 31 July 2018.

1.3 Forward Plan:

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 4 July 2016.

1.4 Council Plan and Policy Framework

This report relates to none of the priorities in the 2014/18 Our North Tyneside Plan.

1.5 Information:

- 1.5.1 The terms of office of the Authority’s two current Independent Persons, Mr George Clark and Ms Stella Gardner end in July 2016. Mr Clark and Ms Gardner were initially appointed to their roles in 2012 for a period of two years. In 2014 their appointments were extended to July 2016. Throughout their appointments Mr Clark and Ms Gardner have provided advice to both the Standards Committee and Standards Sub-Committee in relation to the operation of the Authority’s Code of Conduct for Members and in particular actual complaints received by the Authority.

- 1.5.2 A full recruitment exercise to the roles of Independent Person was commenced in early June 2016. The roles were advertised on the Authority's Web Site, a press release was made and details of the roles were circulated to all the other local authorities in the region.
- 1.5.3 The functions of the Independent Person(s) are that he or she:
- must be consulted and their views taken into account before the Authority takes a decision on any allegation made against an elected member which has been investigated;
 - may be consulted about any other aspect of a councillor's alleged breach of the Authority's Code of Conduct for Members; or
 - may be consulted by a councillor against whom such an allegation has been made.
- 1.5.2 In addition, under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, the Authority is also required to appoint its Independent Persons to its Dismissal Advisory Committee to assist the Authority to carry out its duties under the 2015 Regulations in relation to the Authority's procedures for the discipline and (where necessary) the dismissal of its Statutory Officers.
- 1.5.3 Candidates are expected to have high standards of personal conduct, tact and discretion and ideally some knowledge of local government at principal authority level. Training is given and a modest allowance paid. Initial appointments are for a two year period with a possible minimum extension of a further two years.
- 1.5.4 The law prevents a close friend or relative of any member, co-opted member or officer of the Authority concerned from applying.
- 1.5.5 Following the formal recruitment process only applications from the current holders of the roles of Independent Person with the Authority have been received.
- 1.5.6 In the light of the applications received, and following consultation with the Elected Mayor and the Chair of the Standards Committee in respect of the continued suitability of the current post holders to the roles of Independent Person it is proposed that the appointments held by Mr Clark and Ms Gardner be extended for a further two years until 31 July 2018.

1.6 Decision options:

The following decision options are available for consideration by Council:

Option 1

Approve the extension of the appointments of Mr George Clark and Ms Stella Gardener as the Authority's Independent Persons until 31 July 2018.

Option 2

To not approve the extension of the appointments of Mr George Clark and Ms Stella Gardner as the Authority's Independent Persons until 31 July 2018 and request Officers to undertake a further selection and recruitment process.

Option 1 is the recommended option.

1.7 Reason for recommended Option

Option 1 is the recommended option as the Council has previously determined (in 2012) to appoint two independent persons and only two applications have been received from the existing holders of these roles.

1.8 Appendices:

None

1.9 Contact officers:

Stephen Ballantyne – Lawyer Specialist: Governance and Employment tel. (0191) 643 5329

Alison Campbell – Senior Business Partner. Tel (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 covers the allowances payable to the Independent Persons.

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. Section 28 of the 2011 Act also requires the Authority to appoint at least one Independent Person to provide advice and support to the Authority in relation to the operation of the Code of Conduct for Members and ethical governance.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Consultation has been undertaken with the Chair of the Standards Committee, the Elected Mayor and other Group Leader representatives.

2.3.2 External Consultation/Engagement

An advert was placed on the Authority's Website and a press release made. Details of role were also shared with the Independent Persons in the other Tyne and Wear authorities and Northumberland County Council.

2.4 Human rights

There are no direct human rights issues arising from this report.

2.5 Equalities and diversity

There are no direct equalities and diversity implications 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 direct crime and disorder issues arising from this report.

2.8 Environment and sustainability

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

PART 3 - SIGN OFF

- Deputy Chief Executive
- Head(s) of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Head of Corporate Strategy