

Report to Standards Committee

Subject: Appointment of Reserve Independent Person

Date: 29 May 2014

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1. Purpose of the Report

To update the Committee on the current position regarding the recruitment of the reserve Independent Person.

2. Background

2.1 As members of the Standards Committee are aware the Council approved a new Code of Conduct and arrangements for dealing with allegations of a breach of the Code of Conduct in July 2012. The Localism Act requires that the Council's "arrangements" for dealing with allegations include provision for the appointment of at least one independent person whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate. The arrangements approved by the Council include such provision.

2.2 The Independent Person(s) –

- must be consulted by the authority before it makes a finding on an allegation that it has decided to investigate;
- may be consulted by the authority in respect of a standards complaint at any other stage; and
- may be consulted by a member or co-opted member of the Borough Council or of a Parish Council against whom a complaint has been made.

When introducing the new standards regime, it was felt that this may cause an issue of conflict, as it would be inappropriate for an Independent Person who has been consulted by the member against whom the complaint has been made, and who might as a result be regarded as prejudiced on the matter, to be involved in the determination of that complaint. There may also be circumstances when the Independent

Person is unavailable to act, for example due to holiday or illness. These situations could still exist.

- 2.3 The Act requires the Council to appoint at least one Independent Person, but provides that each Independent Person must be consulted before any decision is taken on a complaint which has been investigated. Accordingly, the Council decided there was little advantage in appointing more than one Independent Person, provided that a reserve candidate is retained and can be activated at short notice in the event that the Independent Person is no longer able to discharge the function.
- 2.4 In terms of workload, the level of complaints received by the Council historically had not been at such a level that would require a number of Independent Persons to be appointed to share the burden. Council therefore agreed to appoint 1 Independent Person with 1 reserve candidate. Mr J R Baggaley was appointed as the Independent Person and the reserve position was set up and allocated a fixed fee retainer of £250 per year with a fee of £100 per allegation which is subject to an investigation dealt with.
- 2.5 Given the lack of complaints, the Standards Committee was asked on 13 June 2013 to consider whether the position of reserve Independent Person should be held vacant for the time being or a recruitment exercise commenced as soon as possible. The Committee decided that the recruitment of the reserve independent person should be pursued and the possibility of using an Independent Person appointed by a neighbouring authority explored. Other local authorities were duly contacted, but no interest was forthcoming.
- 2.6 Since this time, the position has been re-advertised on the Council's website and the Monitoring Officer has written to partner organisations sharing Arnot Hill Park to encourage them to bring the vacancy to the attention of their staff. It was hoped that this would provide an opportunity for one of our partners to get involved in the workings of the Council and strengthen relationships. Unfortunately no response has been received from those partner organisations and no applications received from the general public.

3. Proposal

It is proposed that the Committee notes the report and gives views on whether the recruitment of the reserve Independent Person should be pursued further or whether the position should be left vacant for the time being

4. Resource Implications

None.

5. Recommendation

It is recommended that the Committee notes the report and gives views on whether the recruitment of the reserve Independent Person should be pursued further or whether the position should be left vacant for the time being.

6. Appendices

None.