

## **Report to Standards Committee**

**Subject:** Appointment of reserve Independent Person

**Date:** 13 June 2013

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### **1. PURPOSE OF THE REPORT**

To seek views from the Committee on whether the recruitment of the reserve Independent Person should be pursued now or whether the position should be left vacant for the time being.

### **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 At the meeting on 13 September 2012, the Standards Committee agreed to set up a sub-committee comprising Councillors Barnes, Hughes and Boot and Mr Gordon Wallis to deal with the recruitment of the reserve Independent Person. Due to capacity issues within Legal Services the appointment of the reserve Independent Person has not been progressed.
- 2.6 As members of the Committee will note from the previous report on the agenda, the Council has not received any complaints alleging a breach of the Code of Conduct by either Borough or Parish Councillors since July 2012. Given the lack of complaints the Committee is asked to consider whether the position of reserve Independent Person should be held vacant for the time being and a recruitment exercise commenced when complaints are received or a recruitment exercise commenced as soon as possible. In reaching a view, the Committee is to note that the appointment of an Independent Person must be made by Council and the dates of the forthcoming Council meetings are as follows:

- 10 July 2013
- 11 September 2013
- 13 November 2013
- 22 January 2014
- 9 April 2014

### **3. RECOMMENDATION**

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