

APPOINTMENT OF INDEPENDENT PERSON(S)

REPORT OF THE ASSISTANT DIRECTOR OF LAW AND GOVERNANCE

1. Background

- 1.1 In accordance with the Localism Act 2011, the Council is required to appoint at least one Independent Person (IP) to assist in carrying out its duties in respect of dealing with Code of Conduct complaints. The IP must be consulted before the Council takes a decision in respect of any allegation made against an elected member (including town councillors) which has been investigated. They may also be consulted about any other aspect of a councillor's alleged breach of the Council's Code of Conduct for Members and may be consulted by a councillor against whom any allegation has been made. In addition, the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 have made provision for IPs to be included in Panels which exercise certain advisory functions in connection with disciplinary and dismissal procedures involving the Chief Executive, Chief Finance Officer or Monitoring Officer.
- 1.2 The legislation does not prescribe the term of office for the IP, however, it requires the position to be advertised in such manner as the Council considers is likely to bring it to the attention of the public.
- 1.3 A report published in 2019 by the Committee on Standards in Public Life regarding Local Government Ethical Standards made a "Best Practice" recommendation that local authorities should have access to at least two IPs. When the legislation was first introduced, the Council did appoint two IPs, but in recent years has appointed only one. While the Council has not experienced any issues with any potential conflict of interest for any of its IPs over the years, it is proposed that members recommend Council to appoint two IPs on this occasion.
- 1.4 This Council currently has one IP, namely Dennis Hall, who will have served for six years by the time his current term of office expires at the end of September 2023. Mr Hall may be reappointed for a further term of office. Mr Hall is a retired local government officer who has previously held the role of Monitoring Officer and he has indicated that he would wish to be considered for reappointment to this role. Prior to their retirement, former Cllr Peter Gibson, who chaired the Standards Committee for a number of years, and former Cllr Peter Wood, a long serving member of the Committee, were consulted for their views regarding the role of IP. Both former councillors strongly supported the reappointment of Mr Hall, with his contribution to the Committee being described as "first class" "very helpful" and the comment being made that his work could not be praised too highly. As the Council's Monitoring Officer, I would confirm that officer colleagues and I have found Mr Hall's contribution to be extremely helpful and we value the many years of local government experience which he brings to the role. There is a relatively small pool of people capable and willing to undertake the role of IP and reappointment of Mr Hall,

together with appointment of a second IP, may bring the benefit of continuity and experience to the role, combined with the “fresh” additional perspective that a new appointee can bring.

- 1.5 The Council awards an annual allowance of £1,000 for the role of IP, plus reasonable travel and subsistence expenses and it is recommended that this should continue.

2. Recruitment Process

- 2.1 It is proposed that a similar process be undertaken to the recruitment process followed previously, namely that the Monitoring Officer finalises the role description and person specification and makes arrangements for the role to be advertised on the North East Jobs website. Drafts of the role description and person specification are appended to this report for the Committee’s information. The Monitoring Officer will convene a Panel of three members of the Committee, two majority and one opposition member, to undertake shortlisting and interviewing of applicants, with a view to recommending appointments to Council for approval. As the Panel will not be constituted as a formal sub-committee, shortlisting and / or interviews may be conducted via Teams, if Panel members prefer.
- 2.2 In respect of Mr Hall, given his previous experience in this role and the positive feedback on his contribution, the Committee may wish to consider agreeing that should Mr Hall formally confirm his wish to be considered for reappointment, he will only be requested to submit an up-to-date CV and will not be required to attend for interview.

3. Interim Arrangements

- 3.1 As the recruitment process will take some weeks, it is proposed that Council be recommended to extend the current term of office of Mr Hall until the conclusion of the recruitment and appointment process.

4. Recommendation

- 4.1 To recommend Council to:

- 4.1.1 Approve the recruitment process for the role of Independent Person(s) as outlined in the report, including the proposed approach to the appointment of Mr Hall, should he formally confirm his wish to be considered for appointment for a further term of office;
- 4.1.2 following the conclusion of the recruitment process, appoint up to two Independent Persons for terms of two years’ duration, which may be extended by the Council for two further two year terms (i.e. six years in total) and to award an annual allowance of £1,000 and reasonable travel and subsistence expenses in respect of the role;

4.1.3 extend the current term of office of Mr Hall until the conclusion of the recruitment process and appointment of Independent Person(s) for the new term(s) of office

4.1.4 authorise the Monitoring Officer to make all associated arrangements.

Background Papers

None

