

**Report for:** Standards Committee 31 October 2023

**Item number:**

**Title:** Recruitment of Independent Members for Standards Committee and Disciplinary, Grievance and Dismissal Panel

**Report**

**authorised by:** Fiona Alderman Head of Legal and Governance & Monitoring Officer

**Lead Officer:** Fiona Alderman Head of Legal and Governance & Monitoring Officer

**Ward(s) affected:** N/A

**Report for Key/**

**Non-Key Decision:** Non-Key Decision

## 1. Describe the issue under consideration

- 1.1 This report seeks approval to commence the recruitment of Independent Persons to support the Standards Committee in relation to allegations that members or co-opted members have failed to comply with the Member's Code of Conduct, and to be considered for appointment to the Disciplinary, Grievance and Dismissal Panel when considering the dismissal of either the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer.

## 2. Cabinet Member Introduction

N/A

## 3. Recommendations

That the Standards Committee:

- a) Approve the commencement of the recruitment exercise for two Independent Persons.
- b) Propose the annual allowance for Independent Persons of £1,250 for the primary member and £250 for the secondary member (subject to Council approval).
- c) Propose that the Independent Persons appointed shall also be available to be considered for appointment to the relevant committee appointed by the Council (currently Disciplinary, Grievance and Dismissal Panel) which is responsible for advising the Council on matters relating to the dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer (subject to Council approval).

## 4. Reasons for decision

- 4.1 The Council has a legal duty to put in place arrangements for having an Independent Person in relation to allegations of breaches of the Code of Conduct. It must also have in place arrangements for at least two Independent Persons to participate in recommendations in relation to the dismissal of statutory

officers. The law requires that IPS appointed in relation to the Standards regime to be invited to participate in this process.

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## **5. Alternative options considered**

5.1 Under section 28(7) of the Localism Act 2011 the Council must appoint at least one Independent Person (IP) whose views are to be sought and taken into account by the Council before it makes its decisions on allegations about breaches of the Code of Conduct by Members or co-opted Members of the Council.

5.2 Under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 the Council must also have in place arrangements for inviting IPS to be involved in making recommendations to Council before any decision to dismiss a statutory officer is made. Authorities must invite any IPS supporting the Standards Committee for this purpose although it is also possible to use IPS from other authorities for this purpose where the authority considers it appropriate.

## **6. Background information**

6.1 The Independent Person is someone whose views are sought and taken into account by the Council before it makes a decision following an investigation into a breach of the Code of Conduct by a member. Their views can also be sought by the Council in circumstances other than these, and by a member or co-opted member who is the subject of a complaint of breach of the Code.

6.2 An IP must be appointed following an advertisement and application process and confirmation by full Council. These appointments must be made at the latest, by the May 2024 Annual Council Meeting.

6.3 The Council has re-appointed the two existing Independent Persons in March 2023 and in March 2022. They were originally appointed in March 2020 and it is good practice to carry out a recruitment process every four years. The Council has a primary and a secondary/deputy IP and although only the primary IP has been engaged in respect of these duties, it is considered good practice to have a secondary IP as a reserve, not least because of the additional duties for which the IPS may now be used.

6.4 The law provides that a person may not be an IP if he or she is a Member, a co-opted Member or an officer of the Council, or a relative of close friend thereof. It also provides that a person may not be appointed if they were a Member or co-opted Member at any time during the 5 years ending 30 June 2024. However, the law does not place any restriction in relation to the length of appointment of an IP. It has been the practice of the Council to appoint IPS for a term of four years. The incumbent primary IP has provided excellent independent support to the Standards Committee and the Monitoring Officer. However, her term expires on 30th June 2024.

6.5 It is proposed that following Standards Committee approval, the recruitment

process is commenced. It will involve an advertisement, application process, and interviews held by a panel of members drawn from the Standards Committee and the Monitoring Officer, which will recommend appointments to full Council.

6.6 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 provide that where a decision to dismiss any statutory officer is to be taken by full Council, before that decision is taken the Council must invite at least 2 IPS to be members of a panel to consider the matter and take any recommendations from that panel into account before taking their final decision. The Disciplinary, Grievance and Dismissal Panel has been given the role of being the panel for these purposes in the Constitution, IPS appointed to support the standards regime must be invited to sit on this panel. If there are none, or they are unable to participate, any independent persons appointed by another authority may be invited to participate. It is considered most appropriate to utilise the Council's own IPS appointed to support the standards regime for this purpose, and this role has added to their job description (Appendix 1)

6.7 The current primary IP is remunerated at a rate of £1,250 per year and the secondary IP at a rate of £250 per annum. Councils can also remunerate IPS that are invited to participate in recommendations relating to the dismissal of the statutory officers, however the remuneration must not exceed that paid to the IPS under the standards regime. Whilst the views of the IP are regularly sought and her attendance required at hearings relating to breaches of the Code, is it not clear whether the attendance of IPS will be required in relation to the dismissal of a statutory officer.

6.8 If the recommendations are agreed, the Democratic Services and Scrutiny Manager will facilitate an advertisement of the positions with a closing date of early January. In this October meeting, the Standards Committee should identify 3 members of the Committee (2 Labour and 1 Liberal Democrat) to participate with the Monitoring Officer in the shortlisting of applicants and interviews which will take place in mid-January/ February. The decision on the chosen IP's will then come forward to the March meeting for agreement and be referred to Full Council in March for ratification.

## **7. Contribution to strategic outcomes**

7.1 Ensuring good governance within the Council and by councillors supports all strategic priorities.

## **8. Statutory Officers comments** (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

8.1 The finance comments, these will be contained within local Democratic services budget as a way forward.

8.2 The comments of the Head of Legal and Governance are included in the body of this report.

8.3 No equalities implications arise directly from this report; however, the application and interview process will be carried out in line with the council's recruitment policies and will comply with the council's equalities duties.

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**9. Use of Appendices**

Appendix 1 – Independent Person - Person Specification & Job Description

**10. Local Government (Access to Information) Act 1985**

Localism Act 2011 Part 1 Chapter 7

Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

