

REPORT FOR DECISION



DECISION OF:	STANDARDS COMMITTEE
DATE:	28 September 2017
SUBJECT:	RECRUITMENT OF INDEPENDENT PERSONS IN ACCORDANCE WITH THE LOCALISM ACT 2011
REPORT FROM:	THE MONITORING OFFICER
CONTACT OFFICER:	JAYNE HAMMOND, ASSISTANT DIRECTOR – LEGAL AND DEMOCRATIC SERVICES
TYPE OF DECISION:	COMMITTEE DECISION
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	This report asks for Committee to take steps to implement a “pool” of independent persons and recommends the steps needed to appoint such.
OPTIONS & RECOMMENDED OPTION	<ol style="list-style-type: none"> 1. That the Committee agrees that three potential Independent Persons should be selected for recommendation to full Council. 2. That Committee approves the recruitment pack for advertisement and agrees how and where to advertise. 3. That Committee determines the appropriate options for shortlisting candidates and the composition of the interview panel. 4. That Committee determines the period of appointment for the Independent Persons. 5. That authority is delegated to the Monitoring Officer to finalise the recruitment and make the necessary arrangements, in consultation with the Chair of this Committee. 6. That Committee sets the initial expenses for the Independent Persons (with the final expenses/fees/allowances to be approved with the appointment of the Independent Persons by full Council).
IMPLICATIONS:	

Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework. Yes but will appointment will need approval of Full Council.
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Costs of recruitment and remuneration will be funded from within existing budgets
Health and Safety Implications	Set out any impact in terms of Health, Safety and Welfare.
Statement by Executive Director of Resources (including Health and Safety Implications)	There are no wider resource implications
Equality/Diversity implications:	There is no impact on equality matters as the report contains options for a discussion.
Considered by Monitoring Officer:	Yes – the legal implications are set out in the report.
Wards Affected:	All
Scrutiny Interest:	Not applicable

JH

TRACKING/PROCESS

DIRECTOR: Interim Director of Resources and Regulation

Chief Executive/ Strategic Leadership Team	Cabinet Member/Chair	Ward Members	Partners
Scrutiny Committee	Cabinet/Committee	Council	

1.0 BACKGROUND

- 1.1 Section 27 of the Localism Act 2011 imposes a duty on the Council to “promote and maintain high standards of conduct by members and co-opted members” of the Council. The Council is also required to adopt a Code dealing with the conduct that is expected of Members and Co-opted Members of the Council and they are acting in that capacity; and must have in place arrangements under which allegations that a member has failed to comply with the Code of Conduct can be investigated.
- 1.2 The arrangements to deal with Code of Conduct allegations must include the appointment of at least one “Independent Person”, whose views must be sought and taken into account before any decision on an allegation which has been investigated is taken by the Monitoring Officer

- 1.3 When the provisions came into force and in 2012, the Monitoring Officer advertised vacancies for the appointment of one Independent Person and two reserve Independent Persons. A Committee comprising the Chair and three other members of the Standards Committee was set up to short list and interview candidates and to make a recommendation to Council for appointment. The function of setting the initial expenses for an Independent Person and reserve Independent Persons was delegated to the Standards Committee. At that time an Independent Member was appointed to the Standards Committee and an Independent Person was appointed following an Appointments Panel. Given the length of time which has elapsed and the difficulties in operating with one Independent Person, under recommended guidance, it is now considered necessary to review the arrangements and carry out a new recruitment of Independent Persons.

2.0 ROLE OF THE INDEPENDENT PERSON

- 2.1 The Independent Person fulfils a statutory role in relation to Member conduct issues. Independent Persons must be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all members of the Council. A person is considered not to be independent if:

He is or has been within the last five years, an elected or co-opted Member or an Officer of the Council within its area;

He is or has been within the last five years, an elected or co-opted Member or any Committee or Sub-Committee of the Council within its area;

He is a relative or close friend of a current elected or co-opted Member or Officer of the Council within its area or any elected or co-opted Member of any Committee or Sub-Committee of the Council.

3.0 THE FUNCTIONS OF THE INDEPENDENT PERSON ARE AS FOLLOWS:

- 3.1 An Independent Person must be consulted by the Council before it makes a finding as to whether a Member has failed to comply with the Code of Conduct or decides an action to be taken in respect of that Member.
- 3.2 They may be consulted by the Council in respect of the Standards complaint at any other stage. They also may be consulted by a member or co-opted member of the Council against whom the complaint is being made. This may sometimes cause problems as it would be inappropriate for an Independent Person whom has been consulted by the Member (against whom the complaint has been made) and who might as result be regarded as prejudiced in the matter, to be involved in the determination of that complaint.
- 3.3 The Act gives discretion to appoint one or more Independent Persons and so it has become necessary now to appoint to a "pool" to ensure that the function can be properly discharged. The Council did have two Independent Persons but one resigned the position.
- 3.4 It is therefore suggested that an Interview Panel selects three potential Independent Persons for recommendation to full Council. The Committee is asked to approve the draft recruitment pack set out at Appendix 1 to this report, for advertisement and also to agree where to advertise this. The Committee is also asked to determine the appropriate composition of the Interview Panel.

4.0 OPTIONS FOR ADVERTISEMENT

4.1 Committee is asked to agree how and where to advertise for the Independent Persons. A draft advertisement is attached at Appendix 2 and it is suggested that this is advertised in the Local Press and possibly the Manchester Evening News. The advertisement would also be signposted on the Council's website,

5.0 SHORTLISTING OF THE COMPOSITION OF THE INTERVIEW PANEL

5.1 The Committee is asked to agree the composition of a panel to shortlist and interview. Previously, shortlisting and interviews were carried out by the Chief Executive, Monitoring Officer and Group Leaders of the Political Parties but the Committee may deem another composition to be appropriate.

6.0 OPTIONS FOR RENUMERATION

6.1 The Committee is asked to determine whether and what remuneration to pay any Independent Persons recruited to this role. Other Greater Manchester local authorities pay different remuneration rates, for example one authority pays a flat rate of £500 per annum whereas another authority pays £35.00 per hour plus expenses.

7.0 PERIOD OF APPOINTMENT

7.1 The Committee is also asked to express a preference regarding the appropriate period of appointment for the Independent Persons, which would then be recommended to the Council. By way of example most authorities tend to appoint for a fixed term of four years which provides a balanced approach to the term of office.

8. REASONS FOR RECOMMENDATIONS

8.1 The Committee is responsible for promoting and maintaining high standards of Member conduct. This report sets out recommendations to recruit a "pool" of Independent Persons to assist in maintaining and promoting high ethical standards. The proposals set out are to reduce the risk of reputational damage to the Council and to individual members, arising from any perception that the Council's arrangements for dealing with complaints about member conduct are not fair or not effective.

List of Background Papers:

None

Contact Details:

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