

Allerdale Borough Council

Council – 25 September 2019

**Appointment of an Independent Person for Standards**

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<b>The Reason for the Decision:</b>	The Council is required under the Localism Act 2011 to appoint at least one Independent Person for Standards matters
<b>Summary of options considered:</b>	To decide whether council wishes to appoint a new Independent Person and whether it wishes to renew the appointment of the current Independent Person
<b>Recommendations:</b>	<ol style="list-style-type: none"><li>1. That Council authorises the Monitoring Officer to appoint Tom Cook as Independent Person for Standards for a period of four years</li><li>2. That Council authorises the Monitoring officer to renew the appointment of Paul Burns, the current Independent Person for Standards, for a period of two years</li></ol>
<b>Financial / Resource Implications</b>	The role of Independent Person is not currently remunerated but they are able to claim reasonable expenses in connection with attendance at meetings.
<b>Legal / Governance Implications</b>	Implications for the running of the council's Standards arrangements for dealing with complaints of breach of the Code of Conduct
<b>Community Safety Implications</b>	None
<b>Health and Safety and Risk Management Implications</b>	None
<b>Equality Duty considered / Impact Assessment completed</b>	N/A
<b>Wards Affected:</b>	All

**Is this a Key Decision:** No

**Portfolio Holder:** Councillor John Cook  
Portfolio Holder for Governance and Regulatory Services

**Lead Officer** Sharon Sewell  
Head of Governance and Regulatory Services and Monitoring Officer

sharon.sewell@allerdale.gov.uk

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### Report Implications

Community Safety	N	Financial	Y
Legal	Y	Partnership	N
Social Inclusion	N	Asset Management	N
Equality Duty	N	Health and Safety	N
Employment (internal)	N	Employment (external to the Council)	Y

### Background Papers

- Localism Act 2011
- Report of the Committee for Standards in Public Life, January 2019

#### 1.0 Introduction

- 1.1 The Localism Act 2011 requires the Council's arrangements for dealing with complaints of breach of the Code of Conduct to include provision for the appointment by the Council of at least one Independent Person, who must be appointed through a process of public advertisement, application and appointment by a majority of all members of the Council (not just of those present and voting).
- 1.2 The requirement for the appointment of "at least one Independent Person" recognises that there may be occasions where an appointed Independent Person is unable to act. For example there may be a conflict of interest or personal circumstances that prevents an Independent Person from acting. A review by the Committee on Standards in Public life, dated January 2019, recommended to the Government that local authorities should have access to at least two Independent Persons.
- 1.3 Allerdale currently has one Independent Person, Mr Paul Burns, who has served for a number of years. Mr Burns is therefore very experienced in the council's Standards arrangements.

## **2.0 Recruitment Process for an Independent Person**

- 2.1 In August 2019 the council advertised that it was seeking to appoint an Independent Person.
- 2.2 An application was received from Mr Tom Cook who resides in the borough and has relevant experience and skills required for the role.
- 2.3 Mr Cook was invited to a meeting in September 2019 with the Monitoring Officer and Deputy Monitoring Officer in September for an informal discussion about the requirements of the role and to explain the Standards arrangements and processes.

## **3.0 Extension of Term of Office of the Independent Person**

- 3.1 Paul Burns has indicated that he would be happy to continue to act as an Independent Person.
- 3.2 As stated above, the legislation provides for the appointment of at least one Independent Person; the availability of two will ensure that the Monitoring Officer can continue to deal with Standards complaints in the event of there being a conflict of interest or any other reason why an Independent Person cannot act.
- 3.3 Although officers give assistance to the Independent persons and arrange for appropriate training, there will be a benefit to a new Independent Person to have an experienced colleague available for help and guidance.

## **4.0 Finance/Resource Implications**

- 4.1 The Independent Person for Standards is not currently a remunerated post. Reasonable expenses can be reclaimed in respect of attendance at meetings.

## **5.0 Legal Implications and Risks**

- 5.1 The council is required under the Localism Act 2011 to appoint at least one Independent Person for the purpose of dealing with complaints of breach of the Code of Conduct. Failure to appoint an Independent Person would result in the Monitoring Officer being unable to fulfil her duty under the Act.

## **6.0 Options for Consideration**

- 6.1 Council could choose not to appoint a new Independent Person. The current Independent Person would therefore need to have their term of office extended to enable the Monitoring Officer to deal with allegations of breaches of the code of conduct. However with only one Independent Person in place, if he had a conflict of interest or there was some other reason why he could not act then the Monitoring officer would not be able to deal with a complaint.

6.2 Council could choose not to extend the term of office of the current Independent Person. A new Independent Person would therefore need to be appointed before Standards issues could be dealt with, and the same issue around conflict of interest or inability to act as outlined above may also lead to the Monitoring Officer not being able to deal with a complaint.

## **7.0 Recommendations**

7.1 That Council authorises the Monitoring Officer to appoint Tom Cook as Independent Person for Standards for a period of four years

7.2 That Council authorises the Monitoring officer to renew the appointment of Paul Burns, the current Independent Person for Standards, for a period of two years.

**Sharon Sewell**  
**Head of Governance and Regulatory Services and**  
**Monitoring Officer**