



STANDARDS COMMITTEE REPORT

Report Title	Appointment of an Independent Person
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	15 th October 2012
Policy Document:	No
Directorate:	Borough Secretary

1. Purpose

- 1.1 The purpose of this Report is to advise the Standards Committee of the process that has been undertaken by the Borough Secretary and Monitoring Officer to recruit an “Independent Person” in accordance with the requirements of the Localism Act 2011 (the “Act”) and to propose that the Standards Committee recommend to Full Council the appointment of an Independent Person.

2. Recommendations

The Standards Committee is recommended to:

- 2.1 note that the Borough Secretary has followed the process stipulated in the Act to recruit an Independent Person;
- 2.2 recommend to Full Council that it approves the appointment of Ian Harley as an Independent Person; and
- 2.3 note that the Independent Person will be paid an allowance equal to that which was paid to the Independent Chair of the previous statutory Standards Committee.

3. Issues and Choices

3.1 Report Background

3.1.1 The Localism Act 2011 (the “Act”) made changes to the system of regulation of standards of conduct for elected Councillors and any co-opted Members. On 21st June 2012 the Full Council adopted new standards arrangements which came into force on 1st July 2012 in accordance with the requirements of the Act. The new standards arrangements adopted by Full Council were the arrangements recommended to it by the previous statutory Standards Committee on 18th June 2012.

3.1.2 The Localism Act requires the Council to appoint at least one Independent Person.

The functions of the Independent Person(s) are:

- they must be consulted by the authority and their views taken into account before the authority makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member. (This means that their views must be sought on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);
- they may be consulted by the authority in respect of a standards complaint at any other stage; and
- they may be consulted by a member or co-opted member of the District Council or of a Parish Council against whom a complaint has been made.

3.1.3 The Council’s new *Arrangements for Dealing With Allegations of Breaches of the Northampton Borough Council Members’ Code of Conduct and Codes of Conduct Adopted by Parish Councils* reflect the requirements of the Act and include the involvement of an Independent Person.

3.1.4 Broadly, the Independent Person must be someone who is not (or has not recently been) an Officer of the Council or a Member or co-opted member of the Council or of any Parish Council within the Borough. Certain classes of relatives and close friends of Members and Officers are also prevented by law from being an Independent Person.

3.1.4 The Act states that a person may only be appointed as an Independent Person if:

- the vacancy has been advertised in such a manner as the Council considers is likely to bring the vacancy to the attention of the public;
- the person has submitted an application to fill the vacancy to the authority; and
- the person’s appointment has been approved by a majority of the members of the authority.

3.2 Issues

3.2.1 Appointment of an Independent Person

- 3.2.1.1 The Borough Secretary has conducted a recruitment process for the Independent Person role. The vacancy for an Independent Person has been publicly advertised in accordance with the requirements of the Act. The vacancy was advertised on 'Every Road Leads To Us', which is a shared online recruitment portal that is linked to the job vacancy webpages of each of the District Councils in the County.
- 3.2.1.2 An application was received from Ian Harley, the former Independent Chair of the previous statutory Standards Committee. Transitional provisions in the Act allow for previous independent members to be appointed as Independent Persons under the new arrangements.
- 3.2.1.3 The Borough Secretary considered that Ian Harley was a suitable candidate to carry out the statutory role of Independent Person. Ian Harley has therefore been appointed as Independent Person subject to formal ratification of this appointment by the Full Council in accordance with the requirements of the Act.
- 3.2.1.4 The Standards Committee is therefore asked to recommend to Full Council that it approves the appointment of Ian Harley as Independent Person.

3.2.2 Remuneration of the Independent Person

- 3.2.2.1 On 21st June 2012, the Full Council authorised the Borough Secretary and Monitoring Officer to determine the appropriate payment for Independent Persons. (As an Independent Person is not a member of the authority or of its Committees or Sub-Committees, the remuneration of them does not fall within the Scheme of Members' Allowances, and can therefore be determined without reference to the Independent Remuneration Panel).
- 3.2.2.2 The Borough Secretary has determined that initially the Independent Person should be paid an allowance equal to that which was paid to the Independent Chair of the previous statutory Standards Committee. The Standards Committee is asked to note that the Borough Secretary may ask the Independent Remuneration Panel to review the remuneration of the Independent Person, if this is considered necessary following a proper review of the function of the Independent Person as this new role develops over time.

4. Implications (including financial implications)

4.1 Policy

Not applicable.

4.2 Resources and Risk

The remuneration of the Independent Person will be based on the allowance that the Independent Chair of Standards received. This will only apply during the transitional phase following which a proper determination will be made for the permanent role following advice from the Remuneration Panel, or based on the practice followed by neighbouring Councils.

4.3 Legal

Legal implications are contained in the body of the Report.

4.4 Equality

None specifically.

4.5 Consultees (Internal and External)

4.6 Other Implications

None

5. Background Papers

None

6. Report Author

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