



REPORT OF: CHIEF EXECUTIVE

TO: COUNCIL FORUM

DATE: 6th October 2016

PORTFOLIOS AFFECTED: ALL

WARDS AFFECTED: ALL

SUBJECT: Appointment of Independent Persons and Independent Members

1. PURPOSE

To recommend to Council Forum formal appointment of the Council's 2 Independent Persons and 2 Independent Members of the Standards Committee.

2. RECOMMENDATIONS

2.1. To approve the reappointment of our existing Independent Person Alan Eastwood for a further period of 4 years until the 6th of October 2020.

2.2. To approve the appointment of a second Independent Person Stewart Wright for a period of 4 years until the 6th of October 2020.

2.3 To approve the reappointment of our existing Independent Members of the Standards Committee Paul Fletcher and Dr Tassadaq Hussain for a further period of 4 years until the 6th of October 2020.

3. BACKGROUND

Role of Independent Persons

3.1 In accordance with the Localism Act 2011 ('the Act'), arrangements must be put in place for the appointment by the Authority of at least one Independent Person. Essentially this must not be a current or former member of the Council or a relative or close friend of either of the aforementioned categories.

The Independent Person(s) views must be sought and taken into account by the Authority before it makes any decision on a formal complaint against an elected Member that it has decided to investigate. The Independent Person's views may be sought by a member or co-opted member of the Authority if that person's behaviour is the subject of an allegation and may also be sought by the Authority in relation to an allegation it has not yet decided to investigate.

The appointment must be made by full Council, following a publically advertised recruitment process.

Following the appropriate recruitment and selection process, on the 30th August 2012 Council Forum approved the appointment of Alan Eastwood as the Council's Independent Person for a 4 year period.

This term of office has now been completed and further appointment is required.

On the 17th March 2016 the Standards Committee resolved that the Committee receive the report and authorise the Monitoring Officer to advertise for and recruit a new Independent Person and recommend to the Annual Council, their appointment at the Annual Council, their appointment at the meeting in May 2016.

Unfortunately this deadline could not be met.

Given the number of roles that the Independent Person may undertake the potential for conflict may arise. Accordingly, Council is recommended to appoint 2 Independent Persons. We previously had one. Having 2 will also provide resilience.

As previously, the appointments will be for 4 years, until October 2020.

Following a further open and full recruitment process, involving public advertisement and interviews by a panel, the Council is recommended to reappointment Alan Eastwood for a further term of 4 years and Stewart Wright for the same period, who will be a new additional Independent Person.

Role of Independent members

On the 17th March 2016 the Standards Committee was asked to review and agree arrangements for the appointment of independent members of the Standards Committee.

There were 2 options as follows:

- to recommend to Annual Council to keep the existing independent member arrangements to continue for a second term of 4 years, with 2 terms being the maximum for all independent members.

or

- to authorise the Monitoring Officer to advertise for and recruit 2 new independent members and recommend to annual council, their appointment.

The Localism Act 2011 requires the Council to establish a Code of Conduct for Members. This provides the mechanism by which the Council can ensure that it maintains the highest standards of ethical behaviour from its Members.

On 30th August 2012, at Council Forum, the Council adopted its Code of Conduct for Members. This is based on the Model Code approved by the Association of Greater Manchester Authorities ('AGMA').

Our Code of Conduct includes details of our arrangements to deal with complaints.

The Composition of the Standards Committee is set out as follows:-

-9 Councillors (politically balanced – currently 7 Labour and 2 Conservatives)

-2 People who are not a Councillor or an Officer of the Council (Independent members) co-opted onto the Committee without voting rights.

-2 Members of Parish/Town Council co-opted on to the Committee and without voting rights

Paul Fletcher and Dr Tassadaq Hussain. were appointed as Independent Members by the Standards Committee at their meeting on 14th January 2013, following local advertisement, recruitment and selection.

Over their term of office the said Independent Members have been very committed and have developed valuable experience.

Whilst Councillor members on the Standards Committee are appointed annually, Independent members serve for four years.

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In order to demonstrate independence, the following categories of persons are excluded from applying to be an independent member:

- Anyone who has been an Officer of the Council during the past five years;
- Anyone who has been a Member of the Council during the past five years: or
- A close friend or relative of an Officer or Member.

The Hearings Panel of the Standards Committee requires at least 1 Independent Member.

Members of the Standards Committee were requested to consider whether a second term could be completed by Independent Members, should they be willing to continue with their appointment. This would be consistent with, for example, the independent members of the Crime and Police Panel for Lancashire, who serve for 4 years with a maximum of 2 terms of office.

The Standards Committee resolved that it be recommended to the meeting of the Annual Council to keep the existing independent Members arrangements to continue for a second term of four years, with two terms being the maximum for all independent members.

Furthermore the Independent Members have agreed they would be willing to complete another term of 4 years.

4. KEY ISSUES

It is important that the candidates appointed have the relevant skills and experience to successfully carry out their roles. Appendix 1 sets out a summary of the candidates' experience and background .

5. POLICY IMPLICATIONS

Independent Persons and Independent Members as part of the standards regime, are responsible for embedding compliance with The Code of Conduct which is included in our Constitution. The Constitution sets out the governance framework for local authorities, which provides the foundations for any local authority that aspires to be effective, progressive and successful.

6. FINANCIAL IMPLICATIONS

The Independent Person is paid £35 per hour. Some authorities pay an allowance and some an hourly rate

An allowance of £287.10 is payable for independent members of the Standards Committee as set out in the member allowance scheme. Furthermore, they are entitled to reimbursement of the expense of attending meetings. This is provided for within existing resources.

Should the Independent Members sit for another term this would avoid the time and cost of administering the recruitment and training process.

11.LEGAL IMPLICATIONS

Section 28(7) provides that arrangements must be put in place under which allegations can be investigated and action taken which must include provision for the appointment of at least one independent person. The Localism Act 2011 does not limit the number of independent persons who can be appointed by an authority. The role of Independent Person(s) is set out at paragraph 3 of this report.

The Legal background to appointment of independent members is set out in the body of the report

7. RESOURCE IMPLICATIONS

In the last 12 months there has not been any significant activity involving the Independent Person from a costs perspective.

8. EQUALITY IMPLICATIONS

The recruitment process was subject to the Council's equal opportunities, recruitment and selection policies.

9. CONSULTATIONS

The recruitment process has been in consultation with the Standards Committee.

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DATE: 23rd September 2016