

Report of	Meeting	Date
Monitoring Officer (Introduced by Leader of the Council and Cabinet Member (Policy, Reform and Communications))	Council	Wednesday, 20 September 2023

Appointment of Independent Person

Is this report confidential?	No
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Is this decision key?	No
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Purpose of the Report

1. The Council's agreement is being sought to appoint a second independent person under the Standards regime.

Recommendations to Council

2. That, for the purposes of section 28 of the Localism Act 2011, the Council agree to appoint Victoria Tunnicliffe as an independent person

Reasons for recommendations

3. Under the provisions of the Localism Act 2011 the council is required to appoint at least one "independent person." For a number of years the Council has made use of 2 independent persons – this is considered good practice. At times one independent person may not be available due to ill health or other commitments. On occasion one independent person may assist the Monitoring Officer whilst the second may assist the member complained of. Also it is not impossible that a conflict of interest may arise. In 2022 one of our existing Independents decided to stand down from the role after a number of years' service. Hence it was considered desirable to replace that person.

Other options considered and rejected

4. We could just rely on one Independent person but for the reasons set out above this is not considered wise.

Corporate priorities

5. The report relates to the following corporate priorities:

An exemplary council	Thriving communities
A fair local economy that works for everyone	Good homes, green spaces, healthy places

Background to the report

6. In 2022 one of our Independent Persons (Mr Barry Parsonage) stood down from their role after a number of years in the role. The Council's Standards Committee decided that we should appoint a new Independent Person as a replacement.

Detailed Considerations

7. The Localism Act 2011 (the "Act") changed the arrangements for dealing with governance issues regarding the conduct of Members. It abolished the national Standards Board and required that local authorities establish their own Code of Conduct and establish a process for dealing with allegations that members of the authority may have breached the Code of Conduct.
8. As part of this process, Section 28(7) of the Act required the Council to appoint at least one "independent person", who must be consulted and their views taken into account on all complaints investigated and before a decision on any such complaint is made. The Monitoring Officer may also consult with the independent person on other matters relating to an allegation and the member complained about can also seek the independent person's views.
9. The role of the independent person was widened under the Local Authority's (Standing Orders) England (Amendment) Regulations 2015, which came into force on 11 May 2015. These new regulations change the localised disciplinary process in relation to the Council's Head of Paid Service, the Chief Finance Officer and the Monitoring Officer statutory provisions.
10. For a number of practical reasons (already referred in this report) the Council had for a number of years 2 Independent persons in post. In 2022 Mr Barry Parsonage stood down from his role after a number of years. That left us with just one independent person – Mr David Haley.
11. In these circumstances Standards Committee agreed that we should seek to appoint a second independent person
12. On the 18th of July 2023 interviews were held for this independent person role. The post had been publicly advertised as required by the legislation. The interview panel consisted of the Chair of Standards Committee (Cllr Unsworth), the Vice Chair of Standards Committee (Cllr Rainsbury), Mr David Haley (our existing independent person) and the Deputy Monitoring Officer.
13. The panel unanimously agreed that the post should be offered to Victoria Tunncliffe. Ms Tunncliffe is a Solicitor by profession. She has significant public sector experience both with other local authorities and other public sector bodies.

14. Under the Act the final decision to appoint rests with the Full Council – hence the reason for this report.

Climate change and air quality

15. The work noted in this report does not impact the climate change and sustainability targets of the Council's Green Agenda and all environmental considerations are in place.

Equality and diversity

16. There are no equality or diversity concerns here. The interviews were conducted in accordance with normal Human Resources practices.

Risk

17. A failure to have a sound Standards regime in place can adversely affect the reputation of a council. Independent Persons have a key role to play in this regard.

Comments of the Statutory Finance Officer

18. The position of an independent person is an unpaid one. The only thing we do pay area reasonable travelling expenses. Hence the financial implications are minimal.

Comments of the Monitoring Officer

19. The legal implications are set out in the body of the report.

There are no background papers to this report.

There are no appendices to this report

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This decision will come into force and may be implemented five working days after its publication date, subject to being called in in accordance with the Council's Constitution.