

Name of meeting: Council

Date: 9 November 2016

Title of report: Appointment of Independent Persons

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan ?	No
Is it eligible for "call in" by Scrutiny ?	No
Date signed off by Director & name Is it signed off by the Director of Resources? Is it signed off by the Assistant Director – Legal, Governance & Monitoring	 N/A 14/09/2016
Cabinet member portfolio	Resources – Cllr Graham Turner

Electoral [wards](#) affected:

N/A

Ward councillors consulted:

Group Business Managers for each group

Public or private:

Public

1. Purpose of report

- 1.1 To re-appoint the Independent Person and Deputy Independent Person who are currently appointed to assist the Monitoring Officer in the Code of Conduct/Standards regime for Kirklees for a further period of up to 1 year.

2. Key points

Independent Persons

- 2.1 Under the Localism Act 2011 the Council was required to establish its own Standards process/Code of Conduct. This replaced the previous National Members Standards regime. The Localism Act also required that an Independent Person is appointed who must be consulted prior

to a decision to carry out an investigation as part of any Standards process.

- 2.2 In Kirklees Council's Code of Conduct and Standards process the role of the Independent Person is to be a point of consultation should the Monitoring Officer wish to decide that an investigation take place. The Independent Person is also part of the Panel which the Monitoring Officer consults at an early stage in the process to decide what action (if any) should be taken by the Member who is subject of the complaint.
- 2.3 The original Independent Persons were appointed for 2 years from 24 October 2012 when the new Local Standards process was first adopted by Kirklees. This was agreed by Council on 24 October 2012 following a verbal report by the Acting Assistant Director – Legal, Governance and Monitoring. The appointment was renewed for a further two years on 5 November 2014 and is once again due to end in November 2016.
- 2.4 The Group Business Managers for each of the Groups who are consulted by the Monitoring Officer as part of the Standards process were asked whether they were in agreement to the appointment being extended. All of them were of the opinion that the current Independent Person (Richard Michael Stow) and the Deputy Independent Person (Angela Doreen Vine) should be re-appointed for a further period of 1 year.
- 2.5 The re-appointment has been requested for a period of up to one year because a Standards review has been underway and due to conclude shortly. The role of the Independent Person has been considered during the review and there is an option for the role of the Independent Person to be developed and extended. The outcome of the review will not be concluded until December 2016 or early New Year, so the current extension is sought until the final decision is made by Council.
- 2.6 Further reports will come back to Council in due course regarding the Standards review and the operation of the Standards regime

3. Issue to be Resolved

- 3.1 Appointment of the Independent Persons for a further period of up to 1 year

4. Consultees and their opinions

- 4.1 Group Business Managers have been asked for their views about the appointment of the Independent Persons and they are in agreement to the proposal.
- 4.2 A report was taken to CGA on 23 September 2016 who recommended that they be reappointed for the reasons set out in the report.

5. Next steps

- 5.1 The Monitoring Officer to re-appoint the Independent Persons

6. Officer recommendations and reasons

- 6.1 That Council agree that Richard Michael Stow and Angela Doreen Vine be appointed for further period of up to 1 year

7. Cabinet portfolio holder recommendation

N/A

8. Contact officer and relevant papers

Samantha Lawton - Senior Legal Officer

Julie Muscroft – Assistant Director Legal Governance and Monitoring

9. Assistant director responsible

Julie Muscroft

Assistant Director

Legal, Governance and Monitoring

Email: julie.muscroft@kirklees.gov.uk

Telephone: 01484 221000