

**Name of meeting:** Standards Committee  
**Date:** 6 September 2017  
**Title of report:** Update on the appointment of independent persons

**Purpose of report:** To update Standards Committee on the appointment of new independent persons following the change to the Standards process in Kirklees

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>No</b> .
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	<b>No</b>
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Yes/ no or " not applicable"</b> If no give the reason why not
<b>Date signed off by <u>Strategic Director</u> &amp; name</b> <b>Is it also signed off by the Service Director for Finance IT and Transactional Services?</b> <b>Is it also signed off by the Service Director for Legal Governance and Commissioning Support?</b>	<b>N/A</b> Debbie Hogg – 29 August 2017 Julie Muscroft – 29 August 2017
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Not applicable</b>

**Electoral wards affected:** n/a

**Ward councillors consulted:** n/a

**Public or private:** Public

## 1. **Summary**

- 1.1 This report is to update the Standards Committee about the process undertaken to appoint new independent persons. In April 2017 the Council agreed to revise its standards process and as part of that it was agreed that two new independent persons would be appointed. The Council currently has an Independent Person and a Deputy. They reappointed for a period of up to a year on 9<sup>th</sup> November 2016. They were reappointed for a year because it was known at the time that the review of the standards process was due to complete in 2017 and that the role of the Independent Persons might change as part of that review.
- 1.2 At the April 2017 Council meeting it was agreed to delegate authority to the Monitoring Officer in consultation with Group Business Managers to agree a process for the appointment of two new independent persons and to make a recommendation to Council.

## 2. **Information required to take a decision**

- 2.1 A report has been taken to Corporate Governance and Audit Committee on 4 August 2017 which updated them before a decision was taken to Council about the steps taken to appoint independent persons. A copy of that report is attached at Appendix 1 to this report. Corporate Governance and Audit agreed to appoint Michael Stow as independent person and to recommend that he be appointed at the Council meeting in September.
- 2.2 The original intention of the exercise was to appoint two independent persons. We received only one application from Michael Stow who was already an independent person for Kirklees. After consultation with the Chair of Standards Committee it was agreed that we would recommend that he be appointed for a period of 2 years. As part of the discussion with the Chair of Standards we also agree that the council review whether or not it was necessary to appoint a further independent person. The review would take place at the next meeting of Standards Committee at the beginning of 2018.
- 2.3 At Corporate Governance and Audit Committee members requested more information be provided about Mr Stow. Mr Stow has been an independent person for Kirklees Council since the introduction of the new local standards regime in 2012 (the local standards process was introduced as a result of the Localism Act 2011). He is a retired local government worker who lives in the Kirklees area. He previously worked for Bradford at a very senior level in children's services.

## 3. **Implications for the Council**

The Council is required by law under the Localism Act 2011 to have an independent person appointed to consult in relation to code of conduct complaints. If the council fails to appoint an independent person they would be in breach of this requirement and could face a legal challenge if they decided to investigate someone without consulting with an Independent Person.

### 3.1 **Early Intervention and Prevention (EIP)**

Not applicable

### 3.2 **Economic Resilience (ER)**

Not applicable

**3.3 Improving Outcomes for Children**

Not applicable

**3.4 Reducing demand of services**

Not applicable

**3.5 Other (eg Legal/Financial or Human Resources)**

Not applicable

**4. Consultees and their opinions**

4.1 Group Business Managers were consulted regarding the role and remuneration advertisement for the role and consultation took place with the Chair of Standards regarding the appointment of the independent person following the submission of one application.

**5. Next steps**

5.1 The report will be submitted to Council to request the appointment of the independent person.

**6. Officer recommendations and reasons**

6.1 That Standards Committee note the recommendation to Council that Michael Stowe be appointed as independent person for a period of two years.

**7. Cabinet portfolio holder's recommendations**

Not applicable

**8. Contact officer**

Sam Lawton, Senior Legal Officer  
[sam.lawton@kirklees.gov.uk](mailto:sam.lawton@kirklees.gov.uk)

**9. Background Papers and History of Decisions**

Report to Council 9<sup>th</sup> November 2016

<https://democracy.kirklees.gov.uk/documents/s15294/Report%20to%20Council%20091116%20Appoint%20Ind%20Person.pdf>

Report to April Council 2017

<https://democracy.kirklees.gov.uk/documents/s18043/Item%209%20-%20Report%20a.pdf>

Report to Corporate Governance and Audit Committee August 2017

<https://democracy.kirklees.gov.uk/documents/s19307/CGA%20Report%20of%20Independent%20Person%204%20Aug%2017.pdf>

**10. Service Director responsible**

Julie Muscroft, Service Director Legal, Governance and Commissioning  
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