

Name of meeting: Council

Date: 13 September 2017

Title of report: Appointment of Independent Person in the Code of Conduct/Standards regime under the Localism Act 2011

Purpose of report

To make recommendation to Council to appoint the Independent Person (IP) to assist the Monitoring Officer in the Standards regime. A review of the IP role took place following a review of the Standards regime which was endorsed by Council on 26 April 2017.

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 (Key Decisions and Private Reports)?	No
Is it eligible for "call in" by Scrutiny ?	No
Date signed off by <u>Director</u> & name Is it signed off by the Service Director of Finance, IT and Transactional Services? Is it signed off by the Service Director – Legal, Governance & Commissioning	
Cabinet member portfolio	Resources – Cllr Graham Turner

Electoral [wards](#) affected:
 Ward councillors consulted:

N/A
 Group Business Managers for each group

Public or private:

Public

2. Summary and Information Required to Take a Decision

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' earlier Standards process (prior to 26 April 2017) 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 In the current Standards process following the review, the role of the IP has been developed and expanded and in addition to being consulted as to whether an investigation should take place the IP also takes the following decisions with the Monitoring Officer: -
- whether a complaint should proceed for early dismissal and whether it is a valid complaint
 - whether there has been a breach of the Code of Conduct at the informal resolution stage (decision taken with the Chair of Standards)
- 2.4 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 for a further year on 9 November 2016.
- 2.5 Due to the changes to the standards process and the expansion of the role the position of Independent Person was advertised in June 2017 with an annual allowance of £500 plus expenses. Following a recruitment exercise, Michael Stow who is the current IP, was selected as the successful applicant by the Monitoring Officer and Chair of Standards, subject to the approval of Council. This will mean Kirklees has one Independent Person.
- 2.4 Mr Stow has now been an Independent Person with Kirklees Council since 2012, has experience of the role and is a retired Local Government Officer who worked at Director level. He has been consulted on a regular basis to obtain advice in relation to complaints received in relation to Councillors. A description of the role and selection criteria used for consideration of the Independent Person position is attached at Appendix A for information.

- 2.6 This report sets out the **recommendation** considered by Corporate, Governance and Audit Committee in relation to the appointment of Michael Stow as Independent Person for a two year period.
- 2.7 Members of Council are asked to consider the report having regard to the comments from Corporate, Governance and Audit and **approve the appointment of the Independent Person, Michael Stow.**

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 the Code of Conduct complaints and incorporated within the Standards regime. If the Council fails to appoint an Independent Person they would be in breach of this requirement and could face legal challenge.

3.1 Early Intervention and Prevention (EIP) N/A

3.2 Economic Resilience (ER) N/A

3.3 Improving Outcomes for Children N/A

3.4 Reducing demand of services N/A

4. Consultees and their opinions

- 4.1 There has been consultation with the Group Business Managers regarding the role, remuneration and advertisement of the role. Consultation has taken place with the Chair of Standards regarding the selection of the Independent Person. Corporate, Governance and Audit Committee approved the recommendation but requested that further information in relation to the role and background was contained in the report to Council. This information has been included.

5. Next steps

- 5.1 The Independent Persons appointment will be confirmed.

6. Officer recommendations and reasons

- 6.1 That Michael Stow be appointed as Independent Person for a period of 2 years.

7. Cabinet portfolio holder recommendation

N/A

8. Contact officer and relevant papers

Samantha Lawton

Appendix A – Role Description and Selection Criteria of Independent Person

9. Service Director responsible

Julie Muscroft
Service Director
Legal, Governance and Commissioning

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