

Name of meeting: Standards Committee

Date: 15th September 2021

Title of report: Update on the appointment of independent persons

Purpose of report:

To ask Standards Committee to agree to recommend to Council the reappointment of the current independent person and to note the steps to appoint one further independent person.

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?	NO
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	NO
The Decision - Is it eligible for call in by Scrutiny?	NO
Date signed off by <u>Strategic Director</u> & name	Yes
Is it also signed off by the Service Director for Finance?	Yes
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Yes
Cabinet member portfolio	Cllr Paul Davies

Electoral wards affected: All

Ward councillors consulted: NO

Public or private: Public

Has GDPR been considered? YES

1. Summary

- 1.1 This report is intended to update the Standards Committee on the current position with Kirklees' Independent Persons (IP).
- 1.2 Authority was previously given by Council to the Monitoring Officer, in May 2019, to appoint a second Independent Person following the best practice recommendation of the CSPL for a local authority to have access to at least two Independent Persons. This has been delayed. The current IP's term expires shortly. As it has not been possible to appoint a second IP in the timescales it is proposed to renew the current IP's contract for a further period of two years and to continue with the appointment for a second IP.
- 1.3 The present IP has been in post for a number of years and has significant experience, having been involved in working closely with the Monitoring Officer on a number of standards investigations and decisions. He has also worked with and advised other Councils as an IP and so has wide experience and knowledge. The view of the Monitoring Officer is that the present IP is a valuable member of the team with good insight and understanding of the Standards process and working with members in Kirklees and in light of the delay in recruiting a further IP it is important that the appointment is made.

2. Information required to take a decision

- 2.1 The present Independent Person's two year contract will expire shortly and it is proposed that a new contract is issued, appointing him for a further two years.
- 2.2 Alongside this, it is proposed that the Monitoring Officer continue to take steps to recruit an additional Independent Person, to provide some resilience and to act as a potential successor to the present Independent Person.

3. Implications for the Council

The Council is required under the Localism Act 2011 to have at least one 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 potential legal challenge in respect of any decisions taken that required input from an Independent Person.

3.1 Working with People

N/A

3.2 Working with Partners

N/A

3.3 Place Based Working

N/A

3.4 Climate Change and Air Quality

In order to minimise any impact, printing is kept to a minimum.

3.5 Improving outcomes for children

N/A

3.6 Other (eg Legal/Financial or Human Resources) Consultees and their opinions

The promotion and maintenance of high standards of conduct by councillors is an important part of maintaining public confidence in both the council and its members. Failure to do so could have significant reputational implications. The role of IP is paid an allowance of £500 p.a.

4. Next steps and timelines

This committee's recommendation will be put before Council.

The recommendation will be considered by Council and, subject to approval, the Monitoring Officer will arrange to issue a fresh contract to the existing Independent Person.

The Monitoring Officer will arrange for the post of Independent Person to be advertised again in order to appoint a second independent person.

5. Officer recommendations and reasons

Members are asked to recommend to Council to appoint the current IP for a further term of 2 years.

Members are asked to note that the Monitoring Officer will arrange for the post of Independent Person to be advertised again in order to appoint a second independent person.

6. Cabinet Portfolio Holder's recommendations

N/A

7. Contact officer

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8. Background Papers and History of Decisions

Report to Annual Council dated 22nd May 2019 - [Report to Annual Council May 2019](#)

9. Service Director responsible

Julie Muscroft
Service Director – Legal, Governance and Commissioning
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