

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Council

18th October 2023

TITLE:	Appointment of Independent Persons
EXECUTIVE COUNCILLOR:	Leader of the Council – Councillor Mike Gledhill
CONTACT OFFICER:	Paul Rushworth – Head of Legal and Election Services.
WARDS INVOLVED:	All Wards

1. Reason for the Report:

1.1 This report seeks approval to confirm the appointment of an Independent Person and to approve the appointment of a substitute Independent Person in accordance with the Localism Act 2011.

2. Recommendation

2.1 That the Council confirms the appointment of Philip Carnall as an Independent Person.

2.2 That the Council appoints John Berrisford as a substitute Independent Person.

3. Executive Summary

3.1 The Localism Act 2011 ('the Act') places a duty on the Council to promote and maintain high standards of conduct for elected and co-opted members. The Act includes a requirement for the Council to have in place a code of conduct with which all members must comply, and to have arrangements in place to deal with complaints regarding breaches of the code.

3.2 The Act requires at least one Independent Person whose views are to be sought in relation to complaints. The views of the Independent

Person may also be sought in other circumstances by the authority, and also (amongst others), by a member or co-opted member of the authority if that person's behaviour is the subject of an allegation.

- 3.3 This report explains the recent appointment of an Independent Person using emergency powers, and confirms the recruitment exercise which has been undertaken with the objective of finding a substitute Independent Person to give further resilience to the processes.

4. **Implications**

4.1 Community Safety - (Crime and Disorder Act 1998)

None.

4.2 Workforce

None.

4.3 Equality and Diversity/Equality Impact Assessment

This report has been prepared in accordance with the Council's Diversity and Equality Policies and the Equality Act 2010, mindful of the need to eliminate discrimination, harassment, victimisation and any other conduct, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

4.4 Financial Considerations

None.

4.5 Legal

Section 28(7) of the Localism Act 2011 requires the Council to make provision for the appointment of at least one Independent Person whose views must be sought in relation to allegations under the code of conduct for Members and coopted Members.

Under Section 28(8)(c)(iii) of the Act, the person's appointment

must be approved by a majority of the Members of the authority. In this case, an Independent Person has been appointed using emergency powers to provide cover during an interim period, ahead of the appointment being confirmed at the full Council meeting, because of the recent passing of the incumbent Independent Person.

4.6 Sustainability

None.

4.7 Internal and External Consultation

None.

4.8 Risk Assessment

None.

5. Background and Detail

5.1 The Localism Act 2011 requires a relevant authority, when instituting arrangements under which conduct allegations can be investigated and determined, to make provision for the appointment by the authority of at least one independent person. The authority must seek the views of the independent person and take them into account before making a decision on an allegation which it has decided to investigate. The views of the Independent Person may also be sought in other circumstances by the authority and also (amongst others) by a member or co-opted member of the authority if that member's behaviour is the subject of an allegation. The Council's locally agreed arrangements for dealing with standards complaints require the Independent Person to be consulted during the first assessment of complaints which are received. The role is central to the impartial administration of standards matters. In order to be independent for these purposes an appointee must not:

- be, or have been in the previous five years, a member, co-opted member or officer of the Council; or

- a relative or close friend of such a person.

- 5.2 Following a recruitment exercise, three applications were received. Two candidates were then interviewed on the 25th September 2023. The interview panel comprised the Chairs of the Council's Standards and Audit & Accounts Committees, the Monitoring Officer and his deputy, and the Head of Democratic Services.
- 5.3 As a result of the recruitment exercise, the panel recommended John Berrisford as a suitable person to be appointed to the role as a substitute Independent Person. The appointment of a substitute Independent Person will ensure that the Council is able to fulfil its responsibilities under both the Act and the Regulations and will provide resilience in the administration of complaints.
- 5.4 After the recent passing of the Council's previous Independent Person, the Independent Person for the Council's Alliance partner, High Peak Borough Council, was appointed using emergency powers. It was necessary to appoint High Peak Borough Council's Independent Person to ensure continuity in the process whilst the recruitment exercise was administered. That arrangement is proposed to continue to ensure continued continuity, and to enable the new substitute Independent Person to settle into the role.
- 5.5 Although largely voluntary, in line with practice across local government, the role of Independent Person carries with it an allowance to reflect the need for appointees to maintain availability for ad hoc advice and to recognise the responsibilities of the role. Provision for this expense can be contained within current budgets.

Mark Trillo

Executive Director (Governance & Commissioning)

Web Links and Background Papers

None

Contact details

Paul Rushworth
Head of Legal and Deputy Monitoring Officer
Paul.rushworth@highpeak.gov.uk