

HIGH PEAK BOROUGH COUNCIL

Council

3 October 2024

TITLE:	Appointment of Substitute Independent Persons
EXECUTIVE COUNCILLOR:	Leader of the Council – Councillor Anthony McKeown
CONTACT OFFICER:	Linden Vernon – Head of Democratic Services
WARDS INVOLVED:	All Wards

1. Reason for the Report:

- 1.1 This report seeks approval to confirm the appointment of substitute Independent Persons in accordance with the Localism Act 2011.

2. Recommendation

- 2.1 That the Council appoints Mr John Berrisford, Miss Victoria Miller and Mr Peter Turner as substitute Independent Persons.

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 The Council appointed Mr Philip Carnall (a former substitute) as its main Independent Person following the retirement of Mr Peter Matthews. It has since proved difficult to appoint a new substitute despite advertising the position.

3.4 Mr Carnall has subsequently been appointed as the interim Independent Person for the Council's Alliance partner, Staffordshire Moorlands District Council (SMDC). Given the recruitment difficulties experienced to date it is proposed that in a reciprocal manner the substitute independent persons at SMDC be appointed to act in the same capacity for High Peak Borough Council.

4. **Background and Detail**

4.1 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.

4.2 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.

4.2 The Council appointed Mr Philip Carnall (a former substitute) as its main Independent Person on 18 May 2023 following the retirement of Mr Peter Matthews. It has since proved difficult to appoint a new substitute despite advertising the position.

4.3 Mr Carnall has subsequently been appointed as the interim Independent Person for the Council's Alliance partner, Staffordshire Moorlands District Council (SMDC) due to the passing of his predecessor. Given the recruitment difficulties experienced to date it is proposed that in a reciprocal manner the substitute independent persons at SMDC (Mr John Berrisford, Miss Victoria Miller and Mr Peter Turner) be appointed to act in the same capacity for High Peak Borough Council. This will ensure that the Council is able to fulfil its responsibilities under the Act and will provide resilience in the administration of complaints.

4.4 Although largely voluntary, in line with practice across local government, the role of substitute 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 (£395 per annum). Provision for this expense can be met from within current budgets.

Mark Trillo
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**Web Links and
Background Papers**

None

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