

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Council

16 October 2024

TITLE:	Appointment of Substitute Independent Persons
PORTFOLIO HOLDER:	Leader of the Council – Councillor Mike Gledhill
CONTACT OFFICER:	Linden Vernon – Head of Democratic Services
WARDS INVOLVED:	Non-Specific

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 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 This report confirms the recruitment exercise which has been undertaken with the objective of appointing further substitute Independent Persons to give further resilience to the processes.

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.
- 4.2 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.
- 4.3 The role of Independent Person is currently held by Mr Philip Carnall the Independent Person for the Council's Strategic Alliance partner, High Peak Borough Council. Mr Carnall was appointed on 18 October 2023 in addition to a substitute Independent Person, Mr John Berrisford.
- 4.4 In order to ensure resilience in the administration of complaints further interviews have taken place to recruit additional substitute Independent Persons. The interview panel comprised the Chairs of the Council's Standards and Audit & Accounts Committees, the Monitoring Officer and the Head of Democratic Services.
- 4.5 As a result of the recruitment exercise, the panel recommended Miss Victoria Miller and Mr Peter Turner as suitable persons to be appointed to the role of substitute Independent Person.
- 4.6 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. Provision for this expense can be contained within current budgets.

Mark Trillo

Executive Director (Governance & Regulatory Services)

Background Papers

None

Contact details

Linden Vernon
Head of Democratic Services
Linden.vernon@staffs Moorlands.gov.uk