

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO ACCOUNT AND AUDIT COMMITTEE

Agenda Item No. 7

meeting date: 29 MARCH 2017  
 title: REAPPOINTMENT OF INDEPENDENT PERSONS  
 submitted by: CHIEF EXECUTIVE  
 principal author: MAIR HILL

### 1 PURPOSE

1.1 To seek Committee's approval of the continuation in post of the Council's Independent Persons; and to put in place arrangements for review.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – Consideration of the issue will promote the Council's priority of being a well-managed Council.
- Corporate Priorities – As above.
- Other Considerations – None

### 2 BACKGROUND

2.1 The Localism Act 2011 (the "**Act**") abolished the requirement for each Council to have a Standards Committee with independent members and chair. Section 28 of the Act sets out the requirements, which took its place. Sections 28(6) & (7) state:

*"(6) A relevant authority other than a parish council must have in place-*

*(a) arrangements under which allegations can be investigated, and*

*(b) arrangements under which decisions on allegations can be made.*

*(7) Arrangements put in place under subsection (6)(b) by a relevant authority must include provision for the appointment by the authority of **at least one independent person-***

*(a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and*

*(b) whose views may be sought-*

*(i) by the authority in relation to an allegation in circumstances not within paragraph (a);*

*(ii) by a member, or co-opted member of the authority if that person's behaviour is the subject of an allegation; and*

*(iii) by a member, or co-opted member, of a parish council if that person's behaviour is the subject of an allegation and the authority is the parish council's principal authority." **[Emphasis added]***

2.2 Having followed the required recruitment procedure, the Council appointed two Independent persons in July 2012 (Mr IB Dearing and Mr IS Taylor). They receive no allowance in respect of this.

### 3. ISSUES

3.1 There is no statutory limit on the length of service of Independent Persons, however it is thought prudent to review their position at this stage as it is almost 5 years since their appointment.

- 3.2 The need to seek the assistance of the Independent Persons has been limited since their appointment, but both have been effective in their positions, and have gained experience. They have also both confirmed that they would be willing to continue in the role.
- 3.3 Committee is therefore asked to consider whether Mr I B Dearing and Mr I S Taylor should continue as the Council's Independent persons or whether it wishes to limit their term to 5 years and to commence a recruitment process to reappoint.

#### 4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – Resources will need to be expended if a recruitment process is required
- Technical, Environmental and Legal – The consideration of the appointments will fulfil the requirements of the Act.
- Political – None
- Reputation – The consideration of the appointments of independent persons will enhance the reputation of the Council.
- Equality & Diversity – None

#### 5 **RECOMMENDED THAT COMMITTEE**

- 5.1 Confirm the continuation in post of the current Independent Persons; and
- 5.2 The appointment be reviewed in 3 years' time.

MAIR HILL  
SOLICITOR

MARSHAL SCOTT  
CHIEF EXECUTIVE

BACKGROUND PAPERS

For further information please ask for Mair Hill, extension 3216

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