

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO EMERGENCY COMMITTEE

Agenda Item No. 3

meeting date: 10 AUGUST 2020
 title: REVIEW OF APPOINTMENT 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 Person; and to put in place arrangements for review and recruitment

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. Mr Taylor indicated earlier this year that he did not wish to continue in post and so currently the Council only has one Independent Person.

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 On 17 March 2017, Committee resolved that the appointment of the Council's Intendent Persons would be reviewed in 3 years' time. A report should therefore have been brought to Account and Audit in respect earlier this year. This did not occur due to the alterations in the committee cycle caused by the Covid 19 pandemic and also due to the fact that Committee had established a working group to review the Council's arrangements under the Localism Act 2011 as a whole.
- 3.3 Since the Working Group began its review of the arrangements the LGA has launched a consultation upon a Model Code of Conduct and has issued guidance on best practice. These will need to be considered before the Working Group can complete its review and indeed the Head of Legal and Democratic Services is meeting with the Working Group next week to discuss the Council's response to that consultation. The Consultation closes on 17 August 2020 and the LGA will finalise and issues its draft model code thereafter.
- 3.4 It is proposed therefore that a comprehensive report be brought to the next meeting of Accounts and Audit in the Autumn which will outline the Council's proposals for its arrangements which will take account of the recommendations of the LGA and possible adoption of its Model Code of Conduct. Any recommendations regarding best practice on the number of Independent persons and/or any maximum terms of appointment would be incorporated into that review.
- 3.3 Committee is therefore asked to postpone the review of the appointments of Independent Persons to the next meeting of the Accounts and Audit Committee and that Mr Dearing remain appointed as the Council's Independent person until that time also.
- 3.4 The Council's arrangements provided currently for the Council to have 2 Independent Persons, although the Localism Act 2011 only requires that there be at least one, the number of Independent Persons is one of the issues which the Working Group was considering and which will be incorporated into any subsequent report. It is proposed therefore that the Council delay its recruitment process for additional Independent Persons until the position is clear on the number of Independent Persons it would be recruiting, namely following the next Account and Audit Committee.

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 Approve the review of the appointment of the Independent Person be postponed until the next meeting of the Accounts and Audit Committee on 25 November 2020;
- 5.2 Approve the continuation of the appointment of Mr B Dearing as the Council's Independent Person until the next meeting of the Accounts and Audit Committee on 25 November 2020; and
- 5.3 Approve the recruitment of additional/replacement Independent Persons take place following the recommendations of the next meeting of Accounts and Audit Committee on 25 November 2020.

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HEAD OF LEGAL AND DEMOCRATIC SERVICES

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

For further information please ask for Mair Hill, extension 4418

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