

DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	COUNCIL	14 DECEMBER 2015	17

APPOINTMENT OF INDEPENDENT PERSONS

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The Localism Act 2011 introduced a new regime for promoting high standards of conduct amongst elected members of the Borough Council which includes the requirement to appoint Independent Persons whose role is to oversee the process for dealing with allegations that a member has breached the Members' code of conduct. Three Independent Persons were appointed on 28 January 2013 for a three year term, Council is invited to approve the placement of an advert to recruit new Independent Persons.

RECOMMENDATION

1. To approve the placement of an advertisement to recruit Independent Persons.
2. To approve the continuation of the current Independent Persons in their role until 1st June 2016, or until the successful conclusion of the recruitment process and appointment of new Independent Persons.

CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment (Place)		To Encourage Cohesive Communities (People)	
To Promote a Thriving Economy (Prosperity)		To Meet Expectations of our Customers (Performance)	√

SUMMARY OF PREVIOUS DECISIONS

28 January 2013 - Council appointed Mr Ellwood, Mr Mozley and Mr Horrocks for a three year term.
20 May 2015 – Council appointed Mr Ellwood and Mr Horrocks, as co-opted members, to the Chief Officers Employment Committee.

REPORT

1. The Localism Act 2011 abolished the former standards regime including the requirement to have co-opted independent members. However, in the interests of enabling independent scrutiny of the process by which complaints against elected members are dealt with, the Act includes a requirement that all Local Authorities must appoint at least one Independent Person. The Independent Person is not a co-opted member of the authority but is entitled to attend hearings conducted by the Standards Committee in an advisory capacity if so required.
2. In addition, the Monitoring Officer must consult with the Independent Person prior to referring a matter for formal investigation. The Monitoring Officer can also use them in an advisory manner in other standards matters. The Act also states that an Independent Person should be available to be consulted by a member who is the subject of an allegation that they have breached the Members' Code of Conduct. As the Independent Person advising a member subject to an allegation cannot be one and the same as to whom the Monitoring Officer has utilised, this leads to the conclusion that there should be at least two Independent Persons.
3. Following the introduction of the legislation in 2012, Fylde and Blackpool Councils agreed to share Independent Persons across both Councils and agreed to appoint three independent persons for a three year period.
4. The arrangement with Blackpool Council has been very successful over the last three years, and the scrutiny, advice and support of the three Independent Persons has been equally positive.
5. Although there is no legislative requirement to re-advertise the positions, it would be good practice to refresh the panel after a period of time, especially in light of recent legislative changes which have altered the role of the Independent Persons.
6. In 2014 new legislation required the appointment of two independent persons to the Chief Officers Employment Committee, which Council did at its annual meeting in May 2015. Due to the change of emphasis of the role, since the Independent Persons were first appointed, it would be prudent to take the opportunity to refresh the panel.
7. Council is therefore requested to authorise the placement of an advert to recruit Independent Persons.
8. As the recruitment process is unlikely to have been concluded by 30 January 2016, the Council is further asked to agree that the current Independent Persons continue in their role until 1 June 2016 or a lesser period, subject to the successful conclusion of the recruitment process. Any new appointees will be subject to Council approval in due course.
9. It is anticipated that the current cost-sharing arrangements will continue with Blackpool Council.

IMPLICATIONS	
Finance	The Council has previously agreed to remuneration of £500 for the role of Independent Person (costs to be shared across both Fylde and Blackpool Councils)
Legal	Localism Act 2011 refers
Community Safety	No issues arising
Human Rights and Equalities	No issues arising
Sustainability and Environmental Impact	No issues arising
Health & Safety and Risk Management	No issues arising

LEAD AUTHOR	TEL	DATE	DOC ID
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LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection