

North Tyneside Council

Report to Council

Date: 21 July 2022

Title: Appointment of Independent Persons

Portfolio(s): Elected Mayor	Cabinet Member(s): Mrs N Redfearn, the Elected Mayor
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Report from Service Area:	Law and Governance	
Responsible Officer:	Jacqueline Laughton Assistant Chief Executive	Tel: (0191) 643 5724
Wards affected:	All	

PART 1

1.1 Executive Summary:

The Localism Act 2011 places a statutory duty on the Authority to promote and maintain high standards of conduct by its elected and co-opted members. The Act requires the Authority to have local arrangements to handle any misconduct complaints including the appointment of Independent Persons. This report requests full Council to re-appoint one current holder of the role of Independent Person and to appoint two new Independent Persons to that role for a period of four years.

1.2 Recommendation(s):

It is recommended that Council:

- a) appoint Dr Stuart Green, Mrs Kerry Roffe and Mr Daniel John Entwisle as the Authority's Independent Persons pursuant to the requirements of the Localism Act 2011 for a period of four years to 31 July 2026.

1.3 Forward Plan:

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 14 April 2022.

1.4 Council Plan and Policy Framework

This report does not align directly to any of the priorities in the Council Plan. In accordance with the Localism Act 2011 the Authority has a statutory duty to promote robust governance arrangements.

1.5 Information:

1.5.1 Background

- 1.5.2 The terms of office of the Authority's current Independent Persons Mr George Clark, Ms Stella Gardner, and Dr Stuart Green end on 31 July 2022. Mr Clark and Ms Gardner have held the position of Independent Person for 10 years and in accordance with the decision taken by full Council on 26 July 2018 to implement, as a matter of best practice, a maximum ten-year term of office for an Independent Person, they are no longer eligible to be Independent Persons for the Authority. The decision to implement a fixed term of appointment for Independent Persons was considered appropriate to ensure that the element of independence, which is essential for the role of Independent Person, is maintained.
- 1.5.3 Throughout their appointments Mr Clark, Ms Gardner and Dr Green have provided advice to the Monitoring Officer, the Standards Committee and Standards Sub-Committee in relation to the operation of the Authority's Code of Conduct for Members and in particular specific complaints received by the Authority.
- 1.5.4 The functions of the Independent Person(s) are that he or she:
- must be consulted and their views taken into account before the Authority takes a decision on any allegation made against an elected member which has been investigated;
 - may be consulted about any other aspect of a Councillor's alleged breach of the Authority's Code of Conduct for Members; or
 - may be consulted by a Councillor against whom such an allegation has been made.
- 1.5.5 In addition, under the Local Authorities (Standing Orders) (England) Regulations 2001, as amended, the Authority is required to appoint its Independent Persons to its Dismissal Advisory Committee to assist the Authority to carry out its duties under the 2001 Regulations in relation to the Authority's procedures for the discipline and (where necessary) the dismissal of its Statutory Officers.
- 1.5.6 Candidates are expected to have high standards of personal conduct, tact and discretion and ideally some knowledge of local government at principal authority level. Training is given and a modest allowance of £1,061 per annum paid.
- 1.5.7 The law prevents a close friend or relative of any member, co-opted member or officer of the Authority concerned from applying.
- 1.5.8 On 26 July 2018 full Council also agreed to the number of Independent Persons being increased from two to three. This was to allow for greater flexibility and to minimise the potential for any conflict of interest where:
- a) an Independent Person has, for example, been involved in an initial assessment decision and the complainant seeks a review of that decision; or
 - b) a member who is the subject of a complaint has contacted an Independent Person for support and that matter proceeds to a final hearing at which the Independent Persons are requested to give advice and support to the Standards Committee.

- 1.5.9 The selection pane identified three suitable candidates : one of the Authority’s current Independent Persons, Dr Stuart Green; Mrs Kerry Roffe and Mr Daniel John Entwisle.
- 1.5.10 Members will be aware of Dr Green’s has considerable experience of local government standards matters. Mr Entwisle is also familiar with local authority governance and decision-making from his experience as a broadcaster and journalist whilst Mrs Roffe has experience of dealing with complex complaints during her employment with HM Revenue and Customs.
- 1.5.11 It is proposed that Dr Green, Mrs Roffe and Mr Entwisle be appointed to the roles of Independent Person for an initial period of four years until 31 July 2026.

1.5 Decision options:

The following decision options are available for consideration by Council:

Option 1

To approve the recommendation at paragraph 1.2 of the report.

Option 2

To not approve the recommendation at 1.2 of the report and request officers to undertake further work with respect to the appointment of Independent Persons.

1.6 Reasons for recommended option:

Option 1 is recommended as it supports the Authority statutory duty to promote ethical standards and provides the benefits as set out in the report.

1.7 Appendix:

Appendix 1 – Local Arrangements for Dealing with breaches of the Code of Conduct for Members and Co-opted Members

1.8 Contact officers:

Jacqueline Laughton - Monitoring Officer	Tel 0191 643 5339
John Barton – Deputy Monitoring Officer:	Tel 0191 6435354
Claire Emmerson - Senior Manager, Financial Strategy and Planning	Tel 0191 643 8109

1.9 Background information:

The following background information has been used in the compilation of this report and is available at the office of the author:

Council Report on Appointment of Independent Persons dated 26 July 2018
The Localism Act 2011
The Local Authorities (Standing Orders) (England) Regulations 2001

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The allowance to be paid to the Independent Persons has been determined by Council and currently stands at £1,061 per annum per Independent Person.

2.2 Legal

The Localism Act 2011 places a statutory duty on the Authority to promote and maintain high standards of conduct by its elected and co-opted members and to appoint Independent Persons. Section 28 of the 2011 Act also requires the Authority to appoint at least one Independent Person to provide advice and support to the Authority in relation to the operation of the Code of Conduct for Members and ethical governance.

In addition, under the Local Authorities (Standing Orders) (England) Regulations 2001, the Authority is required to appoint its Independent Persons to its Dismissal Advisory Committee to assist the Authority to carry out its duties under the 2001 Regulations in relation to the Authority's procedures for the discipline and (where necessary) the dismissal of its Statutory Officers.

The appointment of Independent Persons in accordance with the Localism Act 2011 is a matter for full Council.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Consultation has been undertaken with the Chair of the Standards Committee, the Elected Mayor, and other Group Leader representatives.

2.3.2 External Consultation/Engagement

An advertisement seeking applications for the role was placed on the North East Jobs recruitment portal and the Authority's Website.

2.4 Human rights

There are no direct human rights issues arising from this report.

2.5 Equalities and diversity

The recruitment exercise was conducted in accordance with the Authority's recruitment arrangements in relation to equality and diversity.

2.6 Risk management

There are no risk management issues arising from this report.

2.7 Crime and disorder

There are no direct crime and disorder issues arising from this report.

2.8 Environment and sustainability

There are no direct environment and sustainability issues arising from this report.

PART 3 - SIGN OFF

- Director of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Assistant Chief Executive X