

ARUN DISTRICT COUNCIL

REPORT TO STANDARDS COMMITTEE ON 18 FEBRUARY 2021

SUBJECT: Review of Independent Persons to the Standards Committee

REPORT AUTHOR: Solomon Agutu – Interim Monitoring Officer

DATE: February 2021

EXTN: Ext 37432

EXECUTIVE SUMMARY:

The Localism Act 2011 requires the Council to appoint at least one independent person to its Standards Committee. This Council recently appointed two new Independent Persons to supplement the support to its Standards Committee. Their terms of appointment require a review by Standards Committee ahead of the one-year anniversary date.

RECOMMENDATIONS:

It is recommended to Full Council that:

1. The appointment of John Cooke and Sandra Prail as Independent Persons to the Standards Committee be confirmed for the remainder of their term of office (until July 2024); and
2. The Interim Monitoring Officer be given authority to confirm the continuation of these appointments with the Independent Persons, as set out in the report.

1.0 BACKGROUND

- 1.1 Section 28 of the Localism Act 2011 requires the Council to appoint at least one Independent Person to the Standards Committee. The Act requires that the views of the Independent Person are to be sought, and taken into account, by the Council before it makes a decision on an allegation made under the Code of Conduct. The Council may also seek views from the Independent Person on other allegations not covered by the Code of Conduct.
- 1.2 Following a recruitment drive in 2019/20, two new Independent Persons were appointed with effect from 15 July 2020. The initial term of office was for one year (i.e. until 15 July 2021). These appointments were approved by Full Council at their meeting on 15 July 2020, with a recommendation that Standards Committee review any extension to these terms of office in April 2021 and the report back to Full Council.

- 1.3 The next meeting of the Standards Committee is in July 2021, at which point there may be a change in Membership following the Council's move to a committee system of governance. It is therefore believed that consideration of this matter should be discussed at this meeting (18 February 2021) where current Committee Members are familiar with the work of the two Independent Persons.
- 1.4 There are no current restrictions on the number of terms of office that an Independent Person can serve, therefore there remains the option to renew/extend a term of office upon expiry, should the Independent Person wish to continue. Any such requests would be brought before the Committee for consideration and recommendation to Full Council.
- 1.5 The Committee is therefore requested to support the continuation of the appointments, expiring in July 2024.

2.0 PROPOSALS

- The appointment of John Cooke and Sandra Prail as Independent Persons to the Standards Committee be confirmed for the remainder of their term of office; and
- The Interim Monitoring Officer be given authority to confirm the continuation of these appointments with the Independent Persons, as set out in the report.

3.0 OPTIONS:

- To support the continued appointment of the two named independent persons for the remainder of their term of office.
- To not support the continuation of these roles (see Implications at part 6 of this report).

4.0 CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify) <ul style="list-style-type: none"> Standard Committee members 	✓	

5.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail below)	YES	NO
Financial		✓
Legal	✓	
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓

6.0 IMPLICATIONS:

If the continued appointment of the two new Independent Persons is not supported, this will leave Standards Committee with only one Independent Person to consult with on Code of Conduct complaints (the fourth Independent Person has advised of his intention to retire at the end of March 2021). The Council's Constitution (Part 3, Para 4.5) requires 3 x Independent Persons. Therefore, if the two appointments are not continued, the Council will have to recruit two further Independent Persons to comply with the requirement of the Constitution.

There are no financial implications as the overall allowance payable is divided equally between the number of Independent Persons. If Committee decide not to support the continuation of these two posts, the Council will have to recruit replacement postholders, which could incur costs for advertising etc.

7.0 REASON FOR THE DECISION:

To comply with the requirements of the Localism Act 2011 in appointing Independent Persons to the Standards Committee.

8.0 BACKGROUND PAPERS:

Localism Act 2011, section 28

<http://www.legislation.gov.uk/ukpga/2011/20/section/28/enacted>