



Council – 29 September 2022

**APPOINTMENT OF INDEPENDENT PERSON AND ADDITIONAL MEMBERS OF
INDEPENDENT REMUNERATION PANEL**

Report of Director of Corporate and Customer Services

Report Author and Contact Details

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Wards Affected

District-wide

Report Summary

To recommend the appointment of independent persons to support the Monitoring Officer in the assessment of complaints about elected Members. In addition, the report recommends the appointment of persons to sit on the Independent Remuneration Panel to review Members' Allowances.

Recommendations

1. That, subject to the outcome of the interviews held on 28 September 2022, approval be given to appoint the recommended candidate(s) to the role of Independent Person for a four-year term until 30 September 2026.
2. That, subject to the outcome of the interviews held on 28 September 2022, approval be given to appoint the recommended candidate(s) to the Independent Remuneration Panel for a four-year term until 30 September 2026.

List of Appendices

Appendix 1 Recruitment Pack for Independent Person

Background Papers

Report to Council – [Review of Members' Allowances Scheme](#) (26 May 2022)

Consideration of report by Council or other committee

N/A

Council Approval Required

Yes

Exempt from Press or Public

No

Appointment of Independent Person and Additional Members of Independent Remuneration Panel

1. Background

- 1.1 Section 28(7) of the Localism Act 2011, requires the District Council to appoint one or more Independent Persons to assist the Authority in promoting and maintaining high standards of conduct.
- 1.2 The Independent Person will be consulted on the decision to investigate complaints, including those relating to the District's 71 parish councils, and before it makes a decision on an investigated complaint. The Independent Person may be consulted on other standards matters, including by the member who is subject to an allegation. Currently there is one permanent Independent Person and one vacancy.
- 1.3 Section 99 of the Local Government Act 2000 makes provision in relation to allowances and pensions for members of local authorities. Regulations made under this Section require local authorities to establish and maintain a panel to make recommendations about the Scheme. The Panel last met in 2016 and is due to conduct a full review of Members Allowances to report back to the Council before the end of this calendar year.

2. Key Issues

- 2.1 An advert for the position of Independent Person was published in August 2022 and the deadline for applications was 18 September 2022. The Monitoring Officer and Deputy Monitoring Officer undertook shortlisting of the applications on 20 September 2022 and identified six candidates for interview.
- 2.2 Interviews will take place on 28 September 2022 and will be undertaken by the Monitoring Officer, the Chairman of the Governance and Resources Committee (Councillor Donnelly) and the Deputy Monitoring Officer (Jason Spencer). The outcome of the interview process will be reported verbally to this meeting with details of recommended candidates being shared with Members in advance of the meeting.
- 2.3 During August 2022 officers were advised one existing member of the Independent Remuneration Panel (IRP) is currently unable to attend meetings or undertake any work in support of the panel's review. The remaining two members of the existing Independent Panel are willing to continue in that role. A supplementary appointment is now needed in order to enable the IRP to continue its review and report back to Council.
- 2.4 At the Annual Meeting on 26 May 2022, the Council delegated authority to the Director of Corporate and Customer Services to recruit and select replacement Panel Members when future vacancies arise and then make a recommendation to the Council to fill these vacancies. Members are asked to consider a recommendation to appoint a new member(s) to the IRP. This will be subject to appointable candidates being identified during the interviews for the Independent Person role on 28 September.

3. Options Considered and Recommended Proposal

- 3.1 The Council has the option to continue with one Independent Person for consultation on standards matters, but this is not recommended as there will be periods of absence or potential conflicts of interest. Consideration was given to sharing Independent Persons with a neighbouring local authority but this option is not recommended due to potential overburdening of responsibilities.
- 3.2 Consideration was given to authorising the IRP to continue with two Members, but this was not felt to comply with statutory regulations which requires a panel of at least 3 persons to review Members' Allowances and report back to the Council. Consideration was also given to delaying the review but this is not recommended given that the review has already been delayed due to the pandemic and the need to have clarity on allowances before the next municipal elections in May 2023.
- 3.3 The recommendation will be confirmed verbally at the Council meeting on 29 September 2022. In the event that appointable candidates are identified for the Independent Person role and for the IRP, it is recommended that those candidates are appointed to serve for a four-year term.

4. Consultation

- 4.1 No consultation has taken place in respect of the recommended appointments as interviews will not take place until 28 September 2022.

5. Timetable for Implementation

- 5.1 Subject to appointable candidates being identified at interviews to be held on 28 September 2022, the term of office for any person appointed will be effective following Council's approval of recommended candidates and will continue until September 2026.

6. Policy Implications

- 6.1 There are no specific policy implications associated with this report but the proposed appointments to the role of Independent Person and the Independent Remuneration Panel are key components of the ethical framework and contribute transparency in considering remuneration for elected representatives. In this sense, this proposal underpins all of the Council's corporate priorities.

7. Financial and Resource Implications

- 7.1 The Council has previously agreed a rate of payment for Independent Persons on a case by case basis of £25 for reading documents and £50 per meeting attended. The fees associated with payments to Independent Persons are already included within the budget for 2022/23. The law is clear that the payment of such expenses does not negate independence.
- 7.2 There are no financial implications associated with the appointment of additional persons to serve on the Independent Remuneration Panel.

7.3 The financial risk in respect of these proposals is therefore assessed as low.

8. Legal Advice and Implications

8.1 Section 28 of the Localism Act 2011 and our arrangements for dealing with Member Code of Conduct complaints require an Independent Person's views to be sought by the Monitoring Officer before making a decision on a Member Code of Conduct allegation. The Council is required to appoint at least one Independent Person, and it is good practice to have more than one to cover absence or conflicts of interest

8.2 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, also requires at least two Independent Persons to be consulted and to sit on the disciplinary Panel when dealing with Statutory Officers disciplinary or dismissal processes.

8.3 The scheme of Member's Allowances is made in accordance with section 99 of the Local Government Act 2000 and the Local Authority (Members Allowances) (England) Regulations 2003.

8.4 The proposals contained in this report comply with the requirements of the legislation so the legal risk is low.

9. Equalities Implications

9.1 Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) when making decisions and setting policies. While there are no specific equalities implications arising from this report, the recruitment process has sought to find a variety of candidates that whilst meeting the profile, offer a variety of different backgrounds and experiences

10. Climate Change Implications

10.1 Whilst an impact assessment has not been undertaken, it is considered that there are no climate change implications associated with this report.

11. Risk Management

11.1 Whilst there remains one Independent Person in post, failing to appoint another Independent Person would place the Council in breach of its statutory duty under the Act and prevent the Monitoring Officer from dealing with complaints in accordance with the Council's code of conduct complaints procedure.

11.2 In addition in the event of there being a need to consider dismissal of a relevant officer and the Council not having appointed at least two Independent Persons the Council would be required to approach another local authority to seek to invite their appointed Independent Persons to form part of a Panel.

11.3 Failure to appoint at least one additional person to serve on the Independent Remuneration Panel will restrict the planned review of Members'

Allowances and increase the risk of the Council not considering recommendations from the IRP for a further year.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	22/09/2022
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	22/09/2022
Monitoring Officer (or Legal Services Manager)	James McLaughlin	22/09/2022