



Report Reference Number: C/22/6

To:	Council
Date:	27 September 2022
Status:	Reserved to Council
Ward(s) Affected:	All
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Lead Executive Member:	N/A
Lead Officer:	Alison Hartley, Monitoring Officer

Title: Independent Person Appointments to 31 March 2023 pursuant to the Localism Act 2011

Summary:

The Localism Act 2011 requires the appointment of at least one Independent Person under the Localism Act 2011. In 2017 the Council continued the appointment of Hilary Putman and Wanda Stables and appointed Philip Eastaugh.

The appointments of Wanda Stables and Philip Eastaugh were made for three years and Hilary Putman for five years. All three Independent Persons were content to continue to be consulted by the Monitoring Officer throughout the pandemic to deal with complaints and provide support to complainants where appropriate. No matters have required formal action on the part of the Independent Persons to consider investigation outcomes under the standards regime or to attend the Advisory Panel on Disciplinary Matters relating to Statutory Officers during the period since the formal appointment terms ended.

Having reviewed the situation in 2022, the Monitoring Officer is of the opinion to recommend that the engagement of all three Independent Persons be made until the abolition of Selby District Council on 31st March 2023. This report seeks formal confirmation from Council as required pursuant to Section 28 of the Localism Act 2011 that the three appointments be made until 31 March 2023.

Recommendations:

That, for the purposes of section 28 of the Localism Act 2011, the Council agree to the appointment of Hilary Putman, Wanda Stables and Philip Eastaugh as its

Independent Persons with immediate effect until the abolition of the Council on 31 March 2023.

Reasons for recommendation:

To meet the statutory requirements of the Localism Act 2011 to appoint at least one Independent Person.

1. Introduction and background

- 1.1** The Localism Act 2011 (the “Act”) changed the arrangements for dealing with governance issues regarding the conduct of Members. It abolished the national Standards Board and required that local authorities establish their own Code of Conduct and establish a process for dealing with allegations that members of the authority may have breached the Code of Conduct.
- 1.2** To add external input, section 28(7) of the Act required the Council to appoint at least one “independent person”, who must be consulted, and their views taken into account on all complaints investigated and before a decision on any such complaint is made. The Council may consult with the independent person on other matters relating to an allegation and the Member complained about can also seek the independent person’s views.
- 1.3** To ensure “independence”, the Independent Person is not to have links to the Council, councillors or officers.
- 1.4** The role of the independent person has since been widened under the Local Authority’s (Standing Orders) England (Amendment) Regulations 2015, which came into force on 11 May 2015. These regulations changed the localised disciplinary process in relation to the Council’s Head of Paid Service, the Chief Finance Officer and the Monitoring Officer statutory positions. In the case of any proposed disciplinary action against such a statutory officer, the Council is required to appoint the independent persons who have been appointed for the purposes of the Members Code of Conduct regime to the Advisory Panel on Disciplinary Matters relating to Statutory Officers (Part 3 Para 3.4.5 Constitution) that advises the Employment Committee, which makes recommendations to Full Council regarding any decision to dismiss a statutory officer.

2. Review

- 2.1** The period of tenure of the remaining Independent Person ended in July 2022. As the process of recruitment is complex, time consuming and expensive, it is considered the best use of resources in light of the imminent abolition of Selby District Council to continue the engagement with all three existing Independent Persons until 31 March 2023. All three have agreed to do so in the event that Council approves this.

3. Alternative Options Considered

- 3.1** The Council has a statutory duty to appoint at least one Independent Person and therefore could choose only to continue with one appointment.

Alternatively, the Council could seek arrangements with another Council to share its Independent Person. However, all three existing Independent Persons are willing to continue their appointments at Selby District Council and have also expressed an interest to get involved in the new North Yorkshire Council arrangements for dealing with standards if requested. All three have valuable experience and knowledge in standards matters, including parish councils and it is therefore in the best interests of the Council to retain these skills by formally appointing all three with immediate effect.

4. Implications

4.1 Legal Implications

The statutory requirements are set out in the report and have been met. Under Section 28(8)(c)(iii) of the Localism Act 2011, this decision must be agreed by a majority of the whole number of councillors.

4.2 Financial Implications

None

4.3 Policy and Risk Implications

None

4.4 Corporate Plan Implications

None

4.5 Resource Implications

None

4.6 Other Implications

None

4.7 Equalities Impact Assessment

The previous appointments followed an open recruitment process ensuring that the recommended candidates were selected on merit.

5. Conclusion

- 5.1** For the reasons outlined above it is proposed that the Council agrees the engagement of the Independent persons to continue until 31st March 2023.

6. Background Documents

Agenda for Council 18 July 2017 – Item 12

<https://democracy.selby.gov.uk/CeListDocuments.aspx?Committeeld=254&MeetingId=625&DF=18%2f07%2f2017&Ver=2>

The original recruitment documents relating to each of the Independent Persons contain personal information and as such are exempt under paragraph 1 of Schedule 12 A of the Local Government Act 1972 as amended and it is not in the public interest to disclose those documents.

7. Appendices

None.

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