

Report of the Monitoring Officer

STANDARDS - APPOINTMENT OF INDEPENDENT PERSON

1 Purpose of report

To seek approval for the appointment of Mr Dean Smith as the Independent Person for Standards, in accordance with the Localism Act 2011.

2 Executive summary

Under the provisions of the Localism Act 2011, the way that the council maintains high standards of conduct and deals with complaints about its elected members and town and parish councilors requires the appointment of an Independent Person.

3 Proposed action:

Council is invited to RESOLVE to:

- 3.1 **agree to appoint Dean Smith as the Council's Independent Person for Standards for a period of three years; and**
- 3.2 **ask the Standards Committee to consider and agree a suitable protocol for the operational arrangements relating to the role of the Independent Person.**

4 Background

- 4.1 At its meeting on 16 October 2012, the Council received a report setting out the changes made to the Standards Regime under the Localism Act 2011.
- 4.2 Council agreed to approve the new arrangements, which included the statutory requirement to appoint an Independent Person.

5 Discussion

- 5.1 The Localism Act provides that the Independent Person is to be consulted by the Council before a decision is made on an allegation that it has decided to investigate. Their views may also be sought on other matters and by Members who are the subject of an allegation.
- 5.2 The Role of Independent Person was advertised on the Council's website and in the press.
- 5.3 Given the nature of this role it was not entirely surprising that there was only a low level of initial interest with only one application being submitted for consideration. The application was of good quality and the applicant, Mr Dean Smith, was interviewed on 22 June 2013 by the Chief Executive, Monitoring Officer and Councillor M Waters (Chairman of Standards Committee).

- 5.4 Mr Smith has confirmed that he is willing to act as the Independent Person. The Localism Act requires the appointment to be made by Full Council and the recommendation is, therefore, to appoint Mr Smith.
- 5.5 The Legislation permits the appointment of the Independent Person for any period and it is considered appropriate to appoint Mr Smith for a period of three years. The appointment will be kept under review by the Monitoring Officer and may be renewed or extended subject to the agreement of Council.
- 5.6 In order to provide clarity for both members and the Independent Person, it is suggested that a Protocol be drawn up for the role of the Independent Person and this be considered by the Standards Committee.

6 Legal powers

Localism Act 2011.

7 Financial and value for money implications

A fixed allowance of £647 per annum is payable for this role, together with reimbursement of travel and subsistence expenses.

8 Risk analysis

The Council is required to appoint an Independent Person to comply with the Localism Act 2011.

9 Implications for equalities

There are no identified implications for equalities.

10 Author and contact officer

Karen Denton, Principal Organisational Development Manager

11 Consultees

Sue Lyons, Monitoring Officer
John Campbell, Chief Executive
Bridget Lawrence, Head of Resources

12 Background papers

There are no additional background papers, other than those referred to in the report.