

## **COUNCIL**

**18 March 2014**

### **Report of the Solicitor to the Council & Monitoring Officer**

#### **LOCALISM ACT 2011 APPOINTMENT OF INDEPENDENT PERSON**

##### **Purpose of report**

This report seeks the approval of Council for the appointment of an Independent Person and a reserve Independent Person in terms of the Localism Act 2011. The report also seeks approval of the allowances and expenses for the Independent Person role

##### **Recommendation**

- A That Council appoint Mr Paul Darby as Independent Person as from 1 April 2014**
- B That Council appoint Mr Stanley Orton as reserve Independent Person from 1 April 2014 and**
- C That Council note the allowance and expenses for the appointment set at the rates indicated in the report be adopted**

##### **Background**

The Localism Act 2011 repealed Section 55 of the Local Government Act 2000, which provided for Standards Committees. The Standards Board was abolished from 1 April 2012 and arrangements for dealing with Members conduct are now a matter for individual authorities to determine under the provisions in the Localism Act.

The Act established a new category of Independent Persons. A person is not “independent” if they are or have been within the last five years an elected, or co-opted member of any Committee or Sub-Committee of the Council. The Independent Persons may be invited to attend meetings of the Committee, but would not be members of that Committee;

The Independent Person must be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all members of the District Council (not just of those present and voting).

As the Independent Person is not a member of the authority or of its Committees or Sub-Committees, the remuneration of the Independent Person no longer comes within the scheme of members’ allowances, and can therefore be determined without reference to the Independent Remuneration Panel.

## **Executive summary**

As a result of transitional arrangements in the Localism Act the then chair of Standards Committee was allowed to take up the appointment of Independent Person. The transitional period has now passed and it is necessary to seek appointment of an Independent Person and up to two reserve Independent Persons as provided in the Report to Council dated 19 June 2012 which provided for a Committee comprising the Chair and two other members of Audit and Governance Committee be set up to deal with the appointment of Independent Person(s) proceed to short-list and interview candidates, and to make a recommendation to Council for appointment.

Following an invitation placed online and open competition for consideration as an independent Person an appointing panel made of three representatives of the Audit and Governance Committee met on 13 February 2014 and interviewed the candidates wishing to be considered for the role of Independent Person.

Following the interviews the panel came to the view that Mr Paul Darby should be appointed as the Independent Person and that the reserve Independent Person, should be Mr Stanley Orton.

The report to Council on 19 June 2012 also provided that the Monitoring Officer, in consultation with the Chair of the Committee and the Leader, be authorised to set the initial allowances and expenses for the Independent Person and any Reserve Independent Persons, and this function subsequently be delegated to the said Committee. The initial allowance set for the Independent Person was £1900. It is now recommended that the allowance be set at £45 per meeting up to 4 hours and a further £45 for meetings that go beyond four hours with an allowance of £10 per hour when dealing with investigations up to a maximum £100.

## **Resource implications**

The training required for the Independent Persons following their appointment will be carried out by the Monitoring Officer as part of her duties and have no additional resource implications for the Authority. It is considered that the new allowances set will result in a financial saving to the authority and be directly related to the amount of work required in the role of Independent Person. The cost will be contained within present budget figures.

## **Equality implications**

This decision does not require an Equalities Impact Assessment. In approving the recommendations it is envisaged that the citizens of Tamworth will benefit from a robust, open and transparent member complaint resolution process.

## **Risk implications**

An effective member complaint resolution process will provide the mitigating action necessary to ensure that the Council meets its statutory obligations under the Localism Act 2011.

## **Report author**

Jane M Hackett, Solicitor to the Council and Monitoring Officer Tel; 709258 if you would like further information or clarification prior to the meeting

## **List of background papers**

The Localism Act 2011 <http://www.legislation.gov.uk/ukpga/2011/20/contents>

The Localism Act 2011 Explanatory Notes

<http://www.legislation.gov.uk/ukpga/2011/20/notes/contents>

The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012 <http://www.legislation.gov.uk/uksi/2012/1463/contents/made>

