

Report to:	COUNCIL
Relevant Officer:	Mark Towers, Director of Governance and Regulatory Services
Date of Meeting	30 March 2016

APPOINTMENT OF INDEPENDENT PERSONS – STANDARDS

1.0 Purpose of the report:

1.1 The Council is asked to consider the appointment of three statutory Independent Persons pursuant to Section 28 (7) of the Localism Act 2011.

2.0 Recommendation(s):

2.1 To agree to appoint Mr A Mozley, Mr B Horrocks and Mrs H Broughton as statutory Independent Persons pursuant to Section 28 (7) of the Localism Act 2011, for a three year period starting from 1 May 2016 until 30 September 2019.

2.2 To confirm the continuation of the sharing arrangement with Fylde Borough Council, for the use of the Independent Persons.

2.3 To request the Chairman of the Standards Committee and the Monitoring Officer to write a joint letter on behalf of the Council to Mr Ellwood, to thank him for his service as an Independent Person over the previous three years and to wish him well for the future.

3.0 Reasons for recommendation(s):

3.1 To consider the appointment of statutory independent persons under the Localism Act 2011, following a recent advert for these positions.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

To not make any appointments.

4.0 Council Priority:

4.1 The relevant Council priorities are “The economy: Maximising growth and opportunity across Blackpool and Communities: Creating stronger communities and increasing resilience”.

5.0 Background Information

5.1 The Localism Act 2011 abolished the former standards regime including the requirement to have co-opted independent members. However, in the interests of enabling independent scrutiny of the process by which complaints against elected members are dealt with, the Act includes a requirement that all Local Authorities must appoint at least one Independent Person.

5.2 In addition, the Monitoring Officer must consult with the Independent Person prior to referring a matter for formal investigation. The Monitoring Officer can also use them in an advisory manner in other standards matters. The Act also states that an Independent Person should be available to be consulted by a member who is the subject of an allegation that they have breached the Members’ Code of Conduct. As the Independent Person advising a member subject to an allegation cannot be one and the same as to whom the Monitoring Officer has utilised, this leads to the conclusion that there should be at least two Independent Persons.

5.3 Following the introduction of the legislation in 2012, Fylde and Blackpool Councils agreed to share Independent Persons across both Councils and agreed to appoint three independent persons for a three-year period, finishing on 31 January 2016. The arrangement with Fylde Borough Council has been very successful over the last three years and the scrutiny, advice and support of the three Independent Persons has been equally positive.

5.4 At the meeting of the Council in November 2015, it was agreed to extend the term of office for Mr A Mozley, Mr B Horrocks and Mr R Ellwood as statutory independent persons pursuant to Section 28 (7) of the Localism Act 2011 until 1 June 2016 or a lesser period (agreed by Council), subject to the successful conclusion of the recruitment process.

5.6 The recruitment process commenced in the New Year and interviews were held in March 2016. The interview Panel comprised of Councillor Fred Jackson, Chairman Standards Committee, Blackpool Council, Councillor John Singleton, Chairman Audit and Standards Committee, Fylde Borough Council, Mark Towers, Monitoring Officer, Blackpool Council and Tracy Morrison, Monitoring Officer, Fylde Borough Council.

5.7 Mr R A Ellwood who served as an Independent Member for the previous three year term, had indicated that he did not wish to seek a re-appointment for personal reasons and did not put himself forward for consideration.

5.8 The Interview Panel interviewed four applicants for the three positions and recommends to Council the appointment of three of the candidates. These are Mr A Mozley and Mr B Horrocks (both of whom had served previously as Independent Persons) and Mrs H Broughton, a local business woman. The three year period would end in 2019 and it is suggested that as it is election year the term of officer ends on 30 September 2019, to allow advertising of the positions during the summer months.

Does the information submitted include any exempt information?

No

List of Appendices:

None.

6.0 Legal considerations:

6.1 Section 28 (7) of the Localism Act 2011 states the requirement to appoint at least one Independent Person for standards matters.

7.0 Human Resources considerations:

7.1 There are no Human Resource considerations

8.0 Equalities considerations:

8.1 There are no equalities considerations to this report.

9.0 Financial considerations:

9.1 The statutory Independent Persons appointed under the Localism Act 2011 have an honorarium of £500 per year, which is currently the subject of a review.

10.0 Risk management considerations:

10.1 There are no risk management considerations other than not having sufficient members to serve as Independent Persons.

11.0 Ethical considerations:

11.1 There are no ethical considerations.

12.0 Internal/ External Consultation undertaken:

12.1 Nothing other than as indicated in the report.

13.0 Background papers:

13.1 None.