



Democracy and Standards Committee 12 September 2022

Report Title	Appointment of Independent Persons and Town & Parish Representatives
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Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972	N/A

List of Appendices

None

1. Purpose of Report

- 1.1. To seek approval to undertake a recruitment process for the appointment of independent persons and town & parish representatives to the Democracy and Standards Committee, and to approve the terms in which those appointed will usually attend and participate at committee meetings.

2. Executive Summary

- 2.1. Part of the responsibilities of the Democracy and Standards Committee is to oversee and develop the Council's Councillor Code of Conduct and the overall standards of conduct for Councillors, co-opted Councillors, and Parish and Town Councillors of North Northamptonshire.
- 2.2. The terms of reference for the Committee, at part 4.4 of the Council's Constitution, provide for independent persons and town and parish representatives to be appointed by the Council for the purposes of assisting with the Authority's obligations to deal with allegations of breaches of the Code of Conduct. They are not co-opted members of the Democracy and Standards Committee, but they can attend meetings where standards matters are discussed, at the invitation of the Chair.

2.3. This report discusses proposed arrangements for the appointment to those roles.

3. Recommendations

3.1. It is recommended that the Democracy and Standards Committee

- (a) notes the independent nature of the independent persons and town & parish representatives and their role on the Committee when attending meetings;
- (b) approves the recruitment process for the appointment of independent persons and town & parish representatives to the Committee, in accordance with paragraph 5.2 of this report,
- (c) notes that the outcome of the recruitment process will be reported back to this Committee, to recommend appointments to full Council for approval.

3.2. *(Reason for Recommendations – to promote high standards of conduct and to comply with legislative requirements. Having external views expressed to the Committee in relation to standards matters provides greater objectivity.)*

3.3. *(Alternative Options Considered – That no appointments be made - this is not recommended as it would not assist with the Authority's obligations to deal with allegations of breaches of the Code of Conduct, to not have them dilutes objectivity in the process – they are independent eyes.)*

4. Report Background

4.1. Under section 28(7) of the Localism Act 2011, local authorities are required to put certain arrangements in place for promoting and maintaining standards of conduct including provision for the appointment by the authority of at least one Independent Person:

- a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and
- b) whose views may be sought:
 - i. by the authority in relation to an allegation in circumstances not within paragraph (a);
 - ii. by a member or co-opted member of the authority if that person's behaviour is the subject of an allegation, and
 - iii. by a member or co-opted member of a parish council if that person's behaviour is the subject of an allegation and the authority is the parish council's principal authority.

- 4.2. An independent member cannot be a member, co-opted member or officer of North Northamptonshire Council or any of the Town and Parish Councils covering North Northamptonshire, or if they have held such a position within the last five years.
- 4.3. Such appointments are to be made by a majority of the members of full Council.
- 4.4. On 25th February 2022, the North Northamptonshire Shadow Authority appointed three 'carry-over' independent persons for standards to ensure compliance with the Localism Act 2011 from vesting day onwards.
- 4.5. These appointees are Vivienne Barnard, Mike Sawford and Dean Smith – all experienced independent persons for standards previously appointed by our predecessor district and borough councils.
- 4.6. The Council's Constitution also provides for town and parish councillors to be appointed by the Council for the purposes of assisting with the Authority's obligations to deal with allegations of breaches of the Code of Conduct, and who may be invited to meetings of this Committee by the Chair.
- 4.7. Town and parish councillors have not yet been appointed by the Council for this purpose.

5. Issues and Choices

- 5.1. As the Council has now been in operation for over a year, it is considered an appropriate time to propose a formal recruitment process for both independent persons and representatives of parish councils to be appointed by the Council for the purposes of assisting with the Authority's obligations to deal with allegations of breaches of the Code of Conduct, and who may be invited to meetings of this Committee by the Chair.
- 5.2. It is proposed that a recruitment exercise be undertaken by the Monitoring Officer, supported by Democratic Services, on the following basis:-
 - i. To seek the appointment of three independent persons and three Town and Parish representatives;
 - ii. Each independent person appointment should be for a four-year term, providing continuity and experience, straddling the next ordinary elections of councillors, scheduled to be held in May 2025.
 - iii. Each Town and Parish Councillor appointment to be until the next ordinary election of Town and Parish councillors, scheduled to be held in May 2025.
 - iv. 'Twin-hatted' North Northamptonshire Councillors (those who are also Town and Parish Councillors), should be excluded from the

appointment process to provide for the greatest range of views expressed.

- v. The manner of the appointment process to be delegated to the Monitoring Officer, in consultation with the Chair of the Democracy and Standards Committee, representatives of each political group, and (in respect of Town and Parish Council representatives) the Northamptonshire County Association of Local Councils (NCALC), subject to vi. below.
 - vi. In accordance with the Localism Act, the vacancy for an independent person must be advertised in such a manner as it is likely to bring it to the attention of the public, applicants must also submit an application to fill the vacancy.
- 5.3. Independent persons and Town and Parish representatives are expected to be invited to meetings of the Democracy and Standards Committee every six months, where the Committee will receive an update on the operation of the Register of Members' Interests and application of the Code of Conduct. The first update is proposed to be provided at the next scheduled meeting of this Committee, in November 2022.

6. Next Steps

- 6.1. Subject to Committee approval, the Monitoring Officer, with the support of Democratic Services, will commence a recruitment process in accordance with paragraph 5.2 above, to report back to Committee in November 2022 and full Council in December 2022.

7. Implications (including financial implications)

7.1. Resources and Financial

- 7.1.1. The Independent Persons will each be paid an allowance of £400 per meeting, as per the Scheme of Members' Allowances approved by full Council, to be met from within existing budgets. No allowance is payable to Town and Parish representatives.
- 7.1.2. There are no other resources or financial implications arising from the report.

7.2. Legal and Governance

- 7.2.1. The recommendation fulfils the legal requirement under section 28(7) of the Localism Act 2011 to appoint at least one independent person, and the Constitution's requirement to appoint at least one Town and Parish Councillor to assist with the Authority's obligations to deal with allegations of breaches of the Code of Conduct.

7.3. Relevant Policies and Plans

- 7.3.1. This report aligns with the key commitment in the Corporate Plan 2020-25 of modern public services, by providing effective oversight of the Members' Code of Conduct.

7.4. Risk

- 7.4.1. There are no significant risks arising from the proposed recommendations in this report.

7.5. Consultation

- 7.5.1. None required.

7.6. Equality Implications

- 7.6.1. The Council is committed to treating people fairly and in compliance with the Equality Act. Applications from a range of backgrounds will be encouraged.

7.7. Climate Impact

- 7.7.1. There are no climate impacts arising from this report.

7.8. Community Impact

- 7.8.1. There are no community impacts arising from this report.

7.9. Crime and Disorder Impact

- 7.9.1. There are no crime and disorder impacts arising from this report.

8. Background Papers

- 8.1. [Localism Act 2011](#)

- 8.2. [North Northamptonshire Council Constitution](#)

- 8.3. [Report to North Northamptonshire Shadow Authority - 25 February 2021 – Appointment of Independent Persons](#) (Item 8 refers)