

# Report to Standards Committee

Agenda  
Item:

**A.1**

Meeting Date: 10 March 2016  
 Portfolio: Finance, Governance and Resources  
 Key Decision: Not Applicable:  
 Within Policy and  
 Budget Framework YES  
 Public / Private Public

Title: Appointment of Independent Person  
 Report of: Director of Governance  
 Report Number: GD.16/16

### **Purpose / Summary:**

The Localism Act 2011 requires that the Council has at least one Independent Person (IP) to advise it in relation to Standards Matters (and other matters relating to any proposed dismissal of a statutory Chief Officer). The Council has two IPs and the first term of one these expires on 30 June 2016 should the Council not choose to continue with the appointment. This Report seeks the continuance of the term of office for the said IP.

### **Recommendations:**

That the Standards Committee recommend to Council that it continue the appointment of Jane Elliott as an Independent Person until a review date of 30 June 2020.

### **Tracking**

Standards Committee	10 March 2016
Council:	26 April 2016

## **1. BACKGROUND**

- 1.1 The Localism Act 2011 introduced a new role of Independent Person to provide advice and guidance to the Monitoring Officer and Members who are the subject of a standards allegation. Following advertisement and full recruitment process it was agreed at a meeting of full Council on 16 July 2013 that Ms Jane Salmon (now Elliott) be appointed Independent Person for a period until 30 June 2016. The Council also appointed Mr Keith Thomas until 30 June 2017.
- 1.2 Following changes to the Officer Employment Procedure Rules from May 2015 the Independent Person must be invited to be considered for appointment to any Panel which may be set up to deal with any disciplinary cases involving the Head of Paid Service, Monitoring Officer or Chief Finance Officer. Accordingly, the Council's IPs were co-opted onto the Employment Panel for relevant matters. If additional support is required then the Council can also call upon Independent Persons from neighbouring authorities for this.
- 1.3 Mrs Elliott applied for the position of IP, was interviewed, and subsequently chosen by the Standards Committee, from amongst several other candidates, for the role of IP. The said Committee recommended Mrs Elliott to Council as a suitable appointment. Nothing has altered Mrs Elliott's suitability for the post, therefore, and it is recommended that her appointment be continued for a four year period at which time it can be reviewed again. Mrs Elliott has confirmed that she is willing to continue as one of the Council's IPs.
- 1.4 If the Council does not continue with Mrs Elliott's appointment then it will be necessary to advertise for a new Independent Person and it is likely that, due to her co-option as a member of the Employment Panel, she will not be able to apply. This is a quirk of the legislation unforeseen by the legislative draftsmen.

## **2. PROPOSALS**

- 2.1 It is proposed that it be recommended to Council that Ms Jane Elliott 's appointment as Independent Person be continued until 30 June 2020.

## **3. CONSULTATION**

- 3.1 Mrs Elliott has been consulted to ascertain whether she would be prepared to continue as one of the Council's IPs; she confirmed that she is.
- 3.2 The Chair of the Standards Committee was consulted to confirm that she was content for this Report and proposal to be put before the Standards Committee.

## **4. CONCLUSION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The best route to retain an IP as required by the Law is as detailed in the Report.

## **5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES**

**5.1** Having an IP to play a role in both Standards and the Employment Panel is both required by Law and also contributes to the proper, transparent running of the authority; factors which assist us in delivering our local plan priorities.

**Contact Officer:** Mark Lambert

**Ext:** 7019

**Appendices attached to report:** Extract from the recruitment pack including role description.

**Note:** in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- Report GD37.13

### **CORPORATE IMPLICATIONS/RISKS:**

**Chief Executive's - None**

**Deputy Chief Executive – None**

**Economic Development – None**

**Governance – Governance report.**

**Local Environment – None.**

**Resources –** The IP is paid an allowance which is within the approved budget.

**INDEPENDENT PERSON  
SELECTION CRITERIA  
SKILLS AND COMPETENCIES**

An Independent Person will have:

- a keen interest in standards in public life.
- a wish to serve the local community and uphold local democracy.
- the ability to be objective, independent and impartial.
- sound decision making skills
- leadership qualities, particularly in respect of exercising sound judgement.

An Independent Person will:

- be a person in whose impartiality and integrity the public can have confidence.
- understand and comply with confidentiality requirements.
- have a demonstrable interest in local issues.
- have an awareness of the importance of ethical behaviours.
- be a good communicator.

Desirable additional criteria are:

- working knowledge/experience of local government or other public service and/or of large complex organisations and awareness of and sensitivity to the political process.
- knowledge and understanding of judicial/quasi-judicial or complaints processes.

You should demonstrate in your application how you meet the above criteria as this will assist the short-listing process.

Means of assessment will be by application form and by interview.

NOTE: You will be required to be contactable at all times during normal working hours by telephone or by email and to be available to attend hearings which may be held in the day time and at relatively short notice.

Eligibility for Appointment.

A person cannot be appointed as an Independent Person if they are or were within a period of 5 years prior to the appointment:

- a member, co-opted member or officer of the authority.
- a member, co-opted member or officer of a parish council in the District Council's

area, or a relative or close friend of the above. However, by virtue of transitional arrangements this will not prevent existing independent members of the Council's Standards Committee from being eligible to apply for the role.

## **ROLE OF INDEPENDENT PERSON – CARLISLE CITY COUNCIL ROLE DESCRIPTION**

Responsible to: The Council

Liaison with: Monitoring Officer, members of the Standards Committee, officers and members of the City Council and Town and Parish Councillors within the district.

1. To assist the Council in promoting high standards of conduct by elected and coopted members of Carlisle City Council and town and parish councillors and in particular to uphold the Code of Conduct adopted by the Council concerned and the seven principles of public office, namely selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
2. To be consulted by the Council through the Monitoring Officer before a decision is made on an allegation and to be available to attend meetings of the Hearing Panel for this purpose.
3. To be available for consultation through the Monitoring Officer before a decision is taken as to whether to investigate a complaint or to seek a local resolution.
4. To be available for consultation by any elected member, including town and parish councillors, who is the subject of a complaint.
5. To develop a sound understanding of the ethical framework as it operates within the Council and town and parish councils in the district.
6. To participate in training events to develop skills, knowledge and experience.
7. To attend training events organised and promoted by the Council.
8. To act as advocate and ambassador for the Council in promoting ethical behaviour.