

# Council

**Agenda  
Item:**  
  
**17**

Meeting Date: 27 April 2021  
 Portfolio: Finance, Governance and Resources  
 Key Decision: Not applicable  
 Policy and Budget Framework: Yes  
 Public / Private: Public

Title: Appointment of Independent Person  
 Report of: Corporate Director of Governance & Regulatory Services  
 Report Number: GD.30/21

## **Purpose / Summary:**

The Localism Act 2011 requires that the Council has at least one Independent Person 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 report seeks the continuance of the term of office for both the IPs with staggered end dates.

## **Recommendations:**

The Standards Committee recommends to Council that it continue the appointment of Jane Elliott until a review date of 30 June 2024 and Keith Thomas as an Independent Person(s) until a review date of 30 June 2023 (min ref ST.04/21).

## **Tracking**

Standards Committee:	31 March 2021
Council:	27 April 2021

## **1. BACKGROUND**

- 1.1** The Localism Act 2011 introduced a new role of Independent Person (IP) to provide advice and guidance to the Monitoring Officer and Members who are the subject of a standards allegation. Following advertisement and a full recruitment process the Council has two IP's, Mr Keith Thomas and Ms Jane Elliott, who have held the said appointment since 2013. Their current terms of appointment expire on 30 June 2021.
- 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** Ms Elliot's term of office would have been considered and reappointed at the Annual Council meeting which had been scheduled for 18 May 2020. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 allowed for the Annual Council Meeting to be cancelled. Appointments which would have been made at the said Annual Meeting continued with the current appointed persons until the next Annual Meeting. Ms Elliot's appointment was extended for one year.
- 1.4** As a result of the extension the IPs' terms of office are due to end in June 2021. If the Council does not continue with both of the appointments then it will be necessary to advertise for new Independent Persons and it is likely that, due to their co-option as a members of the Employment Panel, they will not be able to apply. This is a quirk of the legislation unforeseen by the legislative draftsmen.
- 1.5** Ms Elliot and Mr Thomas applied for the positions of IP, were interviewed, and subsequently chosen by the Standards Committee, from amongst several other candidates, for the role of IP. The said Committee recommended Ms Elliott and Mr Thomas to Council as suitable appointments. Nothing has altered their suitability for the post; therefore, the appointments having been reviewed by the Standards Committee (Min ref ST.04/21), it is recommended by the said Committee that their appointments be continued for a period of two years for Mr Thomas (until a review date of 30 June 2023) and three years for Ms Elliot (until a review date of 30 June 2024). Both Ms Elliot and Mr Thomas have confirmed that they are willing to continue as the Council's IPs. The dates return the Council to the preferred

staggered expiry of appointments to reduce the likelihood of the Council being without the required IP.

## **2. PROPOSALS**

**2.1** The Standards Committee recommends to Council that Mr Keith Thomas's appointment as Independent Person be continued until 30 June 2023 and Ms Jane Elliot's appointment as Independent Person be continued until 30 June 2024.

## **3. CONSULTATION**

**3.1** Ms Elliot and Mr Thomas have been consulted to ascertain whether they would be prepared to continue as the Council's IPs; they confirmed that they are.

**3.2** The Standards Committee considered this matter at their Meeting on 31 March 2021.

## **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 Carlisle 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 Act 1972 the report has been prepared in part from the following papers:**

**• GD.37/13, GD.14/17, OD.78/20, GD.28/21**

### **CORPORATE IMPLICATIONS:**

**LEGAL** – Contained within the Report.

**FINANCE** – There are no financial implications arising from the continuation of these appointments.

**EQUALITY** – None

**INFORMATION GOVERNANCE** – None.

## **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 co-opted 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.

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## **EXCERPT FROM THE MINUTES OF THE STANDARDS COMMITTEE HELD ON 31 MARCH 2021**

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### **ST.05/21 APPOINTMENT OF INDEPENDENT PERSON**

The Monitoring Officer submitted report GD.28/21 regarding the appointment of the Council's Independent Person.

The Monitoring Officer reminded the Committee that the Localism Act 2011 introduced a new role of Independent Person (IP) to provide advice and guidance to the Monitoring Officer and Members who were the subject of a standards allegation. Following advertisement and a full recruitment process the Council appointed two IP's, Mr Keith Thomas and Ms Jane Elliott, who have held the said appointment since 2013. Their current terms of appointment expire on 30 June 2021.

Ms Elliot's term of office would have been considered and reappointed at the Annual Council meeting which had been scheduled for 18 May 2020. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 allowed for the Annual Council Meeting to be cancelled. Appointments which would have been made at the said Annual Meeting continued with the current appointed persons until the next Annual Meeting. Ms Elliot's appointment was extended for one year.

As a result of the extension both of the IPs term of office were due to end in June 2021. If the Council did not continue with both of the appointments then it would be necessary to advertise for new Independent Persons and it was likely that, due to their co-option as members of the Employment Panel, they would not be able to apply.

The Monitoring Officer reported that nothing had altered Mr Thomas and Ms Elliot's suitability for the post; therefore, it was recommended that their appointments be continued for a period of two years for Mr Thomas (until a review date of 30 June 2023) and three years for Ms Elliot (until a review date of 30 June 2024).

In response to a Member's question the Monitoring Officer explained that, should the local government re-organisation move forward, the Government would publish transitional rules setting out the arrangements for matters such as the Independent Person.

**RESOLVED** – That the Standards Committee recommends to Council that Mr Thomas and Ms Elliot's appointments as the Council's Independent Person be continued for a period of two years for Mr Thomas (until a review date of 30 June 2023) and three years for Ms Elliot (until a review date of 30 June 2024).