

WEST NORTHAMPTONSHIRE COUNCIL
DEMOCRACY AND STANDARDS COMMITTEE
25 January 2024

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| Report Title | Appointment of Independent Persons |
| Report Author | Sarah Hall, Deputy Director Law and Governance |

| Contributors/Checkers/Approvers | | |
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| MO | Catherine Whitehead | 17/01/24 |
| S151 | Martin Henry | 18/1/24 |
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List of Appendices

None.

1. Purpose of Report

- 1.1 This report provides details of the Independent Persons appointed by the Council to assist in the consideration of Member Code of Conduct complaints and proposes their re-appointment.

2. Executive Summary

- 2.1 Section 28 of the Localism Act states that every Local Authority must have Arrangements in place for the consideration of allegations made against elected Members in respect of breaches of the Code of Conduct. As part of those Arrangements the Council must also appointment at least one independent Person whose views are sought and taken into account prior to making a decision to investigate an allegation and whose views may be sought in respect of an allegation where an investigation is not proposed. The views of an Independent Person may also be sought by Member of either West Northamptonshire Council or a Town or Parish Council within the Council's area where they are the subject of an allegation.

3 Recommendation

- 3.1 That the Democracy and Standards Committee recommend to Council the re-appointment of the following Independent Persons for West Northamptonshire Council for a period of 4 years:

Peter Glover
Alan Haynes
John Peachey
Tom Edwards

Reason for Recommendation

- 3.2 Section 28(7) of the Localism Act 2011 states that every Local Authority must appoint at least one Independent Person. Given the size of West Northamptonshire Council and that the Council is responsible for considering all complaints received in respect of the 100 plus Town and Parish Councils within its area, the appointment of 4 persons is considered reasonable. This avoids potential conflict situations and ensures that the demand on any one Independent Persons is not overwhelming.

4 Report Background

- 4.1 In February 2021 West Northamptonshire Council Shadow Authority appointed five Independent Persons to support the Council in considering Code of Conduct complaints against elected Members. Whilst one of those individuals appointed no longer fulfils the role of Independent Person, the remaining four (those individuals proposed in this report) continue to work closely with the Monitoring Officer and her team in assessing complaints received.
- 4.2 Following initial consideration of a complaint by the Monitoring Officer or her appointed Deputy, the Deputy Democratic Services Manager then contacts and seeks the views on the complaint received from an independent Person, which is then considered prior to a final decision being made on how the complaint should proceed. This process works well and Independent Persons are rotated to ensure a fair distribution of complaints across all four.
- 4.3 All four Independent Persons have worked well with the Council since 2021 demonstrating a good understanding of the Code of Conduct and pragmatism when considering the complaints. Tailored Independent Person training is being delivered to all four Independent Persons on the 15 February 2024 to ensure that they are supported in their role. This training is also being attended by the Council's Deputy Director Law and Governance, Deputy Democratic Services Manager and Principal Lawyer (Governance) to ensure consistency in approach when considering complaints.
- 4.4 Individuals appointed to the role of Independent Person receive an allowance of £500 per year as approved by Council.

5 Issues and Choices

- 5.1. It is a legal requirement to appoint an Independent Person(s) in order to support the Arrangements for considering Member complaints.

6 Implications (including financial implications)

6.1 Resources and Financial

- 6.2 The allowance paid to the Independent Persons (£500 each per annum) is already contained within the budget. By appointing four Independent Persons the Council can ensure there is

sufficient resource to deal with the complaints received (approximately 40 per year), ensure an Independent Person is available where a potential conflict exists and make provision for Members who are the subject of a complaint to seek the views of an Independent Person (the Independent Person cannot be the same Independent Person who the Council consults on the complaint).

6.3 **Legal**

6.3.1 Under Section 28 of the Localism Act 2011, the Council must have in place Arrangements under which allegations that an elected or co-opted councillor of the Council or of a Town or Parish Council within West Northamptonshire has failed to comply with the relevant Code of Conduct, can be considered and decisions made. It is for the Council to decide the details of those Arrangements, but they must appoint at least one Independent Person whose views are to be taken into account before making a decision to investigate a complaint.

6.3.2 Complaints are received in accordance with the arrangements for dealing with allegations of breaches of the West Northamptonshire Members' Code of Conduct and of Codes adopted by Town/Parish Councils within West Northamptonshire. The Council has a legal duty to respond to such complaints.

6.4 **Risk**

6.4.1 There are none specifically.

6.5 **Communication and Consultation**

6.5.1 The appointment of Independent Persons is a legal obligation and not therefore appropriate for wider consultation.

6.6 **Consideration by Overview and Scrutiny**

6.6.1 The appointment of Independent Persons is a legal obligation. It is therefore not appropriate to be referred to Overview and Scrutiny.

6.7 **Climate Impact**

6.7.1 There are no immediate climate implications arising from this report.

6.8 **Community Impact**

6.8.1 There are no immediate community implications arising from this report.

7 Background Papers

7.1 None