

DECISION-MAKER:	COUNCIL GOVERNANCE COMMITTEE		
SUBJECT:	LOCALISM ACT 2011 – APPOINTMENT OF DESIGNATED INDEPENDENT PERSON(S) AND GOVERNANCE COMMITTEE INDEPENDENT MEMBERS		
DATE OF DECISION:	18 MARCH 2015 (COUNCIL) AND 9 FEBRUARY 2015 (GOVERNANCE COMMITTEE)		
REPORT OF:	HEAD OF LEGAL AND DEMOCRATIC SERVICES		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY

None

BRIEF SUMMARY

This report has two parts, however both are related as they refer to the revised arrangements for appointment of independent persons/members in relation to the Council's decision making and democracy. The first relates to the need under the Localism Act 2011 to appoint a Designated Independent Person (DIP) in relation to Members Code of Conduct complaints. The second relates to the appointment of independent members to the Governance Committee which is a locally agreed convention since July 2012. Both sets of appointments are due for review as the terms of office are to expire shortly.

RECOMMENDATIONS:

COUNCIL resolves that:

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| | (i) | <p>(a) one Designated Independent Person as required under S.28(7) Localism Act 2011 be appointed from 1st July 2015 for a term of 3 years;</p> <p>(b) the two independent member appointments to the Governance Committee cease on 20th May 2015 and it be noted that the appointment of independent members will end ;</p> <p>(c) the current independent members, David Blake and Geoff Wilkinson be thanked for their work during the past three years;</p> <p>(d) the Head of Legal and Democratic Services be authorised to carry out all actions to give effect to this resolution.</p> |
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GOVERNANCE COMMITTEE resolves

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| | (i) | that having considered this report it recommends to Council (i) as above or such other decision as it decides. |
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REASONS FOR REPORT RECOMMENDATIONS	
1.	As described in the Brief Summary above.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
2.	None, both sets of appointments are to expire shortly and decisions on the future of the positions are required.
DETAIL (Including consultation carried out)	
Designated Independent Person	
3.	On 16th May 2012 the Council resolved as part of the new standards arrangements under the Localism Act 2011 to appoint two Designated Independent Persons. The Act specifies that "Arrangements" adopted by Councils must include provision for the appointment by the Council of at least one DIP. The DIP must be appointed through a process of public advertisement, application and appointment. This process was delegated to the Head of Legal and Democratic Services.
4.	The statutory criteria for a DIP is as follows:-
	<p>A person is considered not to be "Independent" if –</p> <ul style="list-style-type: none"> • He/she is, or has been within the last 5 years, an elected or co-opted member or an officer of the Council. • He/she is, or has been within the last 5 years, an elected or co-opted member of any Committee or Sub Committee of the Council (which would preclude any of the co-opted independent members of Standards Committee from being appointed as an Independent Person); or • He/she is a relative or close friend of a current elected or co-opted member or officer of the Council.
5.	Statutory functions of the Designated Independent Person
	<p>The functions of the DIP(s) are:–</p> <ul style="list-style-type: none"> • They must be consulted by the Authority before it makes a finding as to whether a Member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Member. • They may be consulted by the Authority in respect of a standards complaint at any other stage; and • They may be consulted by a Member or co-opted member of the Council against whom a complaint has been made.
6.	Since the adoption of the new Code of Conduct for Members there have been very few complaints. All those that have been made have been minor and have been investigated by the Monitoring Officer (Director of Corporate Services) or his Deputy (Head of Legal and Democratic Services) under delegated powers. None of the complaints have been made out. On occasions there has been a need to involve the DIPs as a "sounding board" but there have never been any formal complaints that have required the involvement of the Governance Committee or crucially both DIPs at once because of any conflict.
How many DIPS are still required	
7.	The Act gives discretion to appoint one or more DIP. At the outset, some three years ago, it was considered that on occasions there could be a conflict

	of interests and accordingly it was prudent to appoint at least two, at least initially whilst the new arrangements settled in. This need has not been borne out over this period. Very few authorities nationally have two DIPs or have found difficulties in only having one appointed. Accordingly, it is not considered there is any need to continue with two DIPs.
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Independent Members

8.	As part of the revised arrangements for the Governance Committee the Council also resolved to appoint two independent members. It is a locally agreed convention that is rare in other authorities nationally. The reasoning behind the appointments was that it was considered the new standards regime, as it was entirely local and internally managed, could become political if solely judged by peers. Accordingly they added both transparency and obviously an element of independence to any "sanction" process should a breach of the code require investigation by the Governance Committee.
9.	As referred to above the Committee has never had to investigate or pass judgement on any breaches as the complaints have been very minimal and minor in nature.
10.	The members are invited to attend each Governance Committee as non voting members irrespective of the business on the agenda, which in the main is financial or audit related. Accordingly, after discussion with the Chair of the Governance Committee, as the appointments are about to expire it is considered reasonable to bring the appointments to an end.

RESOURCE IMPLICATIONS

Capital/Revenue

11.	Each DIP and independent member receives an allowance under the Members Allowance scheme of £645, therefore an annual amount of £2580 is budgeted. The reduction of the roles from 4 to 1 would result in a small annual budget saving of £1935.
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Property/Other

12.	None
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LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

13.	Section 28(7) Localism Act 2011 requires the appointment of at least 1 DIP. The Local Government Act 1972 and 2000 permits external and non voting independent members.
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Other Legal Implications:

14.	None
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POLICY FRAMEWORK IMPLICATIONS

15.	None
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KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	None

SUPPORTING DOCUMENTATION

Appendices

1. None

Documents In Members' Rooms

1. None

Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.

No

Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1. None