

South Lakeland District Council
Council

30th June 2020

Continuation of the appointment of the Independent Person

Portfolio:	Cllr Morrell Customer and Commercial Services and People Portfolio Holder
Report Author:	Linda Fisher Legal Governance and Democracy Specialist (Monitoring Officer)
Wards:	N/A
Forward Plan:	N/A

1.0 Expected Outcome

- 1.1 The continuation of the appointment of Mr David Tweddle as the Independent Person.

2.0 Recommendation

- 2.1 It is recommended that Council;**

(1) Confirm the continuation of the appointment of Mr David Tweddle as Independent Person with effect from 01 July 2020 for a period of 4 years

3.0 Background and Proposals

- 3.1 Section 27 of the Localism Act 2011 imposes a duty on the Council to “promote and maintain high standards of conduct by Members and co-opted Members” of the Council. The Council is required to adopt a Code dealing with the Conduct that is expected of Members and co-opted Members of the Council when they are acting in that capacity, and must have in place arrangements under which allegations that a Member has failed to comply with the Code of Conduct can be investigated, and arrangements under which decisions on allegations can be made. Those arrangements must include the appointment of at least one “independent person”, whose views must be sought, and taken into account, before any decision on an allegation which has been investigated is taken.
- 3.2 The Council appointed Mr Tweddle as Independent Person with effect from 01 July 2012 and on 01 July 2016 for a further term of four years. His present term of office is nearing expiry and, due to Covid 19, the Standards Committee has not met and therefore we have been required to present the report directly to the Council meeting. There is presently some uncertainty regarding the future of the standards regime (discussed below at 3.3) and it is therefore considered preferable to continue the appointment of Mr Tweddle,

who has been trained and understands the role, rather than trying to recruit and appoint new persons during this time of uncertainty.

- 3.3 In January 2019 the Committee on Standards in Public Life published a report, 'Local Government Ethical Standards: a review by the Committee on Standards in Public Life'. The review made a number of recommendations and identified best practice to improve ethical standards in local government. The recommendations include a number of changes to the role and input of the Independent Person. The review recommends a number of changes to primary legislation, which would be subject to Parliamentary timetabling, and also to secondary legislation and the Local Government Transparency Code. Ensuing legislative changes and implementation of the recommendations are awaited. As the future of the standards regime is changing and evolving Mr Tweddle has indicated in principle that he would be happy to continue with the role should members be minded to so approve.
- 3.4 The original appointment was carried out in accordance with all the correct legal requirements at the time (e.g. approved by full council, after being openly advertised and having assessed the suitability of all the applicants) and therefore it's considered that we can extend the term for a further period. This can only be done during the term of office of an existing independent member and by approval from full council. This is the case here.
- 3.5 In May 2015 the Local Authorities (Standing Orders) (England) (Amendment) Regulations were passed. These provide that where a decision to dismiss any statutory officer is to be taken by the Council, prior to making such a decision, the Council must invite at least two Independent Persons to be members of a Panel to consider the matter, and take any recommendations from that Panel into account before making the final decision.
- 3.6 Independent Persons fulfil a statutory role in relation to Members' conduct issues. The re-appointment of the Independent Person, as part of the Council's Standards Framework, will provide resilience. The Independent Person supports the Councils Monitoring Officer in processing complaints about members from South Lakeland District Council and all the Parish Councils.

2.0 **Consultation**

- 2.1 Mr Tweddle, the Chair of the Standards Committee, all Standards Committee members, Portfolio Holder, all Party Leaders. All Parish Clerks.

3.0 **Alternative Options**

- 3.1 An alternative option is not to continue the appointment and therefore to have no appointed Independent Person. This is contrary to requirements and is therefore not recommended. A further option is not to continue the appointment of Mr Tweddle and instead to undertake a further appointment exercise in order to appoint a different Independent Person. However, Mr Tweddle is familiar with the role, is willing to continue and has the appropriate skillset. His present term of office expires on 01 July 2020, and because the Standards Committee has not met in recent months as a result of COVID-19, there would not be sufficient time to undertake a full recruitment exercise before expiry of the Independent Person's term of office.

Furthermore, as set out above, it is anticipated that there may shortly be changes to the standards regime and so it is considered prudent at this time to wait until there is more certainty in that regard, including the evolving role and position of the Independent Person, rather than to undertake a new appointment and recruitment exercise at this stage.

4.0 Links to Council Priorities

4.1 The adherence by Councillors to the Code of Conduct for Councillors ensures that the Council meets and delivers its Council priorities.

5.0 Implications

Financial, Resources and Procurement

5.1 The Independent Person may claim their reasonable expenses in carrying out their role. The Council does not have a large volume of complaints under the Councillors Code of Conduct and therefore the expenses are minimal.

Human Resources

5.1 There are no implications.

Legal

5.2 These are explained within the report.

Health, Social, Economic and Environmental

5.3 Have you completed a Health, Social, Economic and Environmental Impact Assessment? No

5.4 If you have not completed an Impact Assessment, please explain your reasons: This is not required

Equality and Diversity

5.5 Have you completed an Equality Impact Analysis? No

5.6 If you have not completed an Impact Assessment, please explain your reasons: This is not required

Risk

Risk	Consequence	Controls required
No Independent Person is appointed / position is not continued	The position is a statutory role and relates to dealing with member code of conduct complaints. There would be a need to undertake a full appointment process at a time when there is some uncertainty about standards arrangements in the future.	Consider continuation of the appointment at the present time; or consider full recruitment process which is not recommended at this time for the reasons set out above.

Contact Officers

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Background Documents Available

Name of Background document	Where it is available
Council Minute C/29 19 June 2012	https://democracy.southlakeland.gov.uk/ieListDocuments.aspx?CId=120&MId=3207&Ver=4
Council Minute C/9 18 May 2016	https://democracy.southlakeland.gov.uk/ieListDocuments.aspx?CId=120&MId=3773&Ver=4

Tracking Information

Signed off by	Date sent	Date Signed off
Section 151 Officer	10 June 2020	
Monitoring Officer	Report Author	Report Author
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Lead Specialist	N/A
Human Resources Lead Specialist	15 June 2020
Communications Team	15 June 2020
Leader	15 June 2020
Committee Chairman	15 June 2020
Portfolio Holder	15 June 2020
Ward Councillor(s)	N/A
Committee	16 June 2020
Executive (Cabinet)	N/A
Council	30 June 2020