



**EAST STAFFORDSHIRE BOROUGH COUNCIL**

**REPORT COVER SHEET**

<b>Title of Report:</b>	Appointment of additional Independent Person and Parish Council representatives on Standards Committee.	To be marked with an 'X' by Democratic Services after report has been presented
<b>Meeting of:</b>	Corporate Management Team [20 <sup>th</sup> September 2023]	X
	Pre Cabinet [28 <sup>th</sup> September 2023]	X
	Standards Committee [27 <sup>th</sup> November 2023]	X
	Full Council [11 <sup>th</sup> December 2023]	
	Audit Committee [DATE] / Scrutiny Regeneration, Development and Market Hall Committee [DATE] / Scrutiny Health and Well Being Committee [DATE] / Scrutiny Climate Change and Environment Committee / Scrutiny Value for Money Council Committee [DATE]	N/A



<b>Is this an Executive Decision:</b>	[NO]	<b>Is this a Key Decision:</b>	[NO]
<b>Is this in the Forward Plan:</b>	[NO]	<b>Is the Report Confidential:</b>  <b>If so, please state relevant paragraph from Schedule 12A LGA 1972:</b>	[NO]  [ ]

**Essential Signatories:**

**ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE**

Monitoring Officer: **John Teasdale**

Date ..... Signature .....

Interim Chief Finance Officer: **Lisa Turner**

Date ..... Signature .....

**EAST STAFFORDSHIRE BOROUGH COUNCIL**

**Report to Full Council**

**Date: 11<sup>th</sup> December 2023**

**REPORT TITLE:** Appointment of additional Independent Person, extension of current Independent Person and noting of Parish Council representatives on Standards Committee.

**PORTFOLIO:** Leader of the Council

**HEAD OF SERVICE:** John Teasdale - Head of Legal and Regulatory Services (Monitoring Officer)

**CONTACT OFFICER:** John Teasdale Ext. No. x1267

**WARD(S) AFFECTED:** N/A

**1. Purpose of the Report**

1.1. To enable the Council to appoint an additional Independent Person for a term of four years, and renew the term of the Council's current Independent Person for a term of four years.

1.2. For Members to note the appointment of two Parish Council Representatives by Standards Committee for a term of four years.

**2. Executive Summary**

**Independent Person**

2.1. Section 28 of the Localism Act 2011, and the Council's arrangements for dealing with Member Code of Conduct complaints, require the view of an Independent Person to be sought by the Monitoring Officer before making a decision on a Member Code of Conduct allegations.

- 2.2. Best practice recommendations suggest that local authorities should have access to at least two Independent Persons and that an Independent Person should be appointed for a term of no more than four years.
- 2.3. In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, the Council is also required to use its Independent Persons in respect of dismissal or disciplinary procedures against the Head of Paid Service, Monitoring Officer or Chief Finance Officer, when they arise. With this in mind, an additional Independent Person not only further supports the Council Standards function, but also supports the Council's disciplinary procedures.
- 2.4. The Council has been operating with one Independent Person for a significant length of time. Mr Graham Goodall has been professional and consistent in this role and the recommendations in this report are that Mr Goodall is retained in this role to work alongside any newly appointed Independent Person. Indeed having two new Independent Persons will ensure that the Council is following best practice recommendations and is able to call on two Independent Persons. This will provide more resilience should a conflict or sickness issue arise in the future.

#### **Parish Council representatives on Standards Committee.**

- 2.5. Following the elections in May 2023 the Council has sought new Parish Council representation for its Standards Committee.
- 2.6. Although Parish Council Members are not required by law to be a part of the Standards Committee membership, it is considered best practice and further enhances the considerations of the committee. New Parish Council representation was appointed by the Council's Standards Committee on 27<sup>th</sup> November 2023.

### **3. Recruitment exercises**

#### **Independent Person**

- 3.1. In accordance with the requirements set out in the Localism Act 2011, a public recruitment exercise took place in September 2023. An advert was placed online and circulated via the Council's social media platforms. The advert can be found at Appendix 1 of this report.
- 3.2. The advert attracted three candidates all of which were felt to be of a high calibre and had experience and qualities relevant to the position of Independent Person.
- 3.3. Each candidate was interviewed by the Monitoring Officer and following this process a feedback and discussion session was had with the Chair of Standards Committee, Councillor Louise Walker.
- 3.4. The recommendation by the Monitoring Officer was that Mrs Sarah Riches be appointed as an Independent Person. This was provisionally agreed by

Councillor Louise Walker as Chair of Standards Committee and was subsequently endorsed, unanimously, by the Council's Standards Committee on 27<sup>th</sup> November 2023.

- 3.5. Mrs Riches had a career within the charitable and NHS sector with a strong emphasis on quality and governance. Her last role prior to retirement in June 2021 was as Deputy CEO for the St Giles Hospice near Lichfield.
- 3.6. The CV of Mrs Riches can be found at Appendix 2.

#### **Parish Council representatives on Standards Committee.**

- 3.7. Following consultation with the Chair of Standards Committee after the May 2023 elections, it was agreed that Parish Council participation during meetings of Standards Committee was important. Such participation diversifies the membership of the committee further and allows for wider discussion and additional perspective when it comes to decision making.
- 3.8. A recruitment exercise followed over the summer which attracted a total of 4 candidates. The relevant advert (correspondence circulated to Parish Council's) can be found at Appendix 3 of this report.
- 3.9. All candidates who applied were able to evidence skills and experience which they could bring to bear as representatives on Standards Committee.
- 3.10. The candidates were interviewed by the Council's former Deputy Monitoring Officer Ms Sherrie Grant and after deliberation and consultation with the Chair of Standards Committee, it was decided that Councillor John McKiernan of Stretton Parish Council and Councillor Helen Headech of Uttoxeter Town Council, be put forward as Parish Council representatives for Standards Committee.
- 3.11. The appointment of Councillor McKiernan and Headech as Parish Council representatives was approved unanimously by Standards Committee on 27<sup>th</sup> November 2023.

#### **4. Contribution to Corporate Priorities**

- 4.1. Improving local democracy.

#### **5. Financial Considerations**

*This section has been approved by the following member of the Financial Management Unit: [ Lisa Turner]*

- 5.1. The main financial issues arising from this Report are as follows:
- 5.2. Although the role of the Independent Person is voluntary, an allowance of £750 per annum will be paid to cover any expenses incurred whilst carrying out the role. There are sufficient budget provisions to accommodate the proposed role.

- 5.3. The role of a Parish Council representative on Standards Committee attracts an allowance of £224.00 per annum. There is sufficient budget to accommodate these roles.

Revenue	2023/24	2024/25	2025/26

Capital	2023/24	2024/25	2025/26

## 6. **Risk Assessment and Management**

- 6.1. The main risks to this Report and the Council achieving its objectives are as follows:

6.2. **Positive** (Opportunities/Benefits):

6.2.1. The appointment of an IP enhances the resilience of the Council's Standards and Disciplinary processes;

6.2.2. The appointment of an additional Independent Person brings the Council in line with best practice recommendations;

6.2.3. Following their appointment by Standards Committee, new Parish Council representation ensures that there is a fair and appropriate balance between independent representatives and those from the different tiers of local government.

6.3. **Negative** (Threats):

6.3.1. Operating with a single Independent Person is a risk if ever a conflict or sickness was to arise;

6.3.2. Reduced resilience of both the Councils Standards and Disciplinary regime;

6.3.3. Not having Parish Council representation has the potential to reduce cohesion between the Council's Standards regime and Parish Councils.

- 6.4. The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

## 7. **Legal Considerations**

*This section has been approved by the following member of the Legal Team:  
[John Teasdale]*

- 7.1. The main legal issues arising from this Report are as follows.

- 7.2. The Localism Act s.28 prescribes the need for a council to appoint at least one Independent Person. No term of office is specified but it is acknowledged that specifying a term for the current and incoming Independent person is in accordance with best practice.
- 7.3. The role that the Independent Person plays in the arrangements for dealing with allegations of misconduct by Councillors is vital to facilitating objective decision making. It is both a practical and legal requirement. Appointing an additional Independent is also prudent for the other reasons emphasized in this report.
- 7.4. The appointment of Parish Council Members to Standards Committee is not a legal requirement, but it is acknowledged that there is a clear and obvious benefit to having Parish Council representation on the committee.

## **8. Equalities and Health**

- 8.1. **Equality impacts:** The subject of this Report is not a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is not required.
- 8.2. **Health impacts:** The outcome of the health screening question does not require a full Health Impact Assessment to be completed. An equality and health impact assessment is not required.

## **9. Data Protection Implications – Data Protection Impact Assessment (DPIA)**

- 9.1. A DPIA must be completed where there are plans to:
- use systematic and extensive profiling with significant effects;
  - process special category or criminal offence data on a large scale; or
  - systematically monitor publicly accessible places on a large scale
  - use new technologies;
  - use profiling or special category data to decide on access to services;
  - profile individuals on a large scale;
  - process biometric data;
  - process genetic data;
  - match data or combine datasets from different sources;
  - collect personal data from a source other than the individual without providing them with a privacy notice ('invisible processing');
  - track individuals' location or behaviour;
  - profile children or target marketing or online services at them; or
  - process data that might endanger the individual's physical health or safety in the event of a security breach
- 9.2. Following consideration of the above, there are no Data Protection implications arising from this report which would require a DPIA.

## **10. Human Rights**

10.1. There are no Human Rights issues arising from this Report.

**11. Sustainability** (including climate change and change adaptation measures)

11.1. Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) No.

11.2. Please detail any positive/negative aspects:

11.2.1. Positive (Opportunities/Benefits

11.2.2. N/A

11.2.3. Negative (threats)

11.2.4. N/A

**12. Recommendation(s)**

12.1. That Full Council approve the appointment of Mrs Sarah Riches as an Independent Person for the Council for a terms of four years.

12.2. That Full Council approve the appointment of Mr Graham Goodall to continue serving as an Independent Person for a term of four years.

12.3. That Full Council notes the appointments of Councillor John McKiernan of Stretton Parish Council and Councillor Helen Headech of Uttoxeter Town Council, as Parish Council representatives for Standards Committee.

**13. Background Papers**

13.1. N/A

**14. Appendices**

14.1. Appendix 1: Independent Person, Advert.

14.2. Appendix 2: CV of Mrs Sarah Riches.

14.3. Appendix 3: Parish Council representative, Advert.