

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

8 March 2023

Appointment of further Independent Persons for North Yorkshire Council

1.0 PURPOSE OF REPORT

- 1.1 To update the Committee regarding the process of appointing further Independent Persons for Standards for the new unitary authority.

2.0 BACKGROUND

- 2.1 Under the Localism Act 2011, each relevant authority must appoint at least one “Independent Person”, who may be called upon to undertake the functions set out in the Act in relation to potential breaches of the Members’ Code of Conduct as and when the circumstances arise.

- 2.2 Legally, the Independent Person’s views:

- are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and
- may be sought—
 - by the authority in relation to an allegation in circumstances other than where being investigated;
 - by a subject member or co-opted member;

The Independent Person may also be required to attend a Chief Officers’ Disciplinary Panel in the event that disciplinary action is required in respect of a Chief Officer in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 as amended..

- 2.3 The Council’s arrangements go beyond this statutory minimum level and it involves its Independent Persons in all the Committee’s work in supporting the Council on ethical issues and key stages of complaint handling and invites the Independent Persons to all Standards Committee meetings (but they are not formal co-opted members).
- 2.4 The Independent Persons are paid an allowance and expenses in accordance with the Council’s Members’ Allowances Scheme, which is reviewed each year by the Independent Remuneration Panel on Members’ Allowances. An increased pool of Independent Persons would mean an increased financial implication for the new authority in this respect.
- 2.5 The term of office of the two Independent Persons for North Yorkshire County Council will continue post Vesting Day (1 April 2023) as a continuing authority model of local government reorganisation. At its last meeting, the Committee agreed that the Monitoring Officer should look to recruit further Independent Persons to assist the new unitary authority in promoting and maintaining the high standards of conduct amongst its elected and co-opted members as well as members of the town

and parish councils in the area for which the new unitary authority will assume responsibility from Vesting Day.

3.0 RECRUITMENT PROCESS

3.1 Under the current NYCC Constitution the Monitoring Officer, in consultation with the Chair of the Standards Committee, has power to exercise all functions in respect of the publication of Independent Person for standards' vacancies. At the time of writing this report, the Monitoring Officer is finalising the arrangements for publishing the vacancies for Independent Persons, which is likely to involve publication on NYCC's and the district and borough councils' websites and a press release supported by social media.

3.2 The proposed timetable for the recruitment process is

- Publication of vacancies – week commencing 27 February 2023
- Closing date for applications – Friday 31 March 2023
- Shortlisting by the Monitoring Officer and the Chair of the Standards Committee – week commencing 3 April 2023
- Interviews - week commencing 10 or 17 April 2023
- 3 May 2023 – papers out for Council on 17 May 2023.
- 17 May 2023 - report to full Council. Council appoints the Independent Persons.

3.3 The Constitution also provides that the Standards Committee has a role in assisting in the recruitment of Independent Persons (but not approving individual appointments, which is a function of full Council). The Committee is therefore requested to nominate Members to sit on a panel of Members of the Committee to interview appropriate candidates and make recommendations to full Council, through the Monitoring Officer (given the tightness of timescales), regarding the appointment of appropriate candidates.

4.0 FINANCIAL IMPLICATIONS

4.1 The financial implications are set out in the body of this report.

5.0 LEGAL IMPLICATIONS

5.1 There are no significant legal implications arising from this report.

6.0 ENVIRONMENTAL IMPLICATIONS

6.1 There are no significant environmental/climate change implications arising from this report.

7.0 RECOMMENDATIONS

7.1 That the Committee notes the content of this report.

7.2 That the Committee nominates Members to sit on a panel of Members of the Committee to interview appropriate candidates and make recommendations to full Council, through the Monitoring Officer, regarding the appointment of appropriate candidates.

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer

Background Documents: None

County Hall
NORTHALLERTON

26 February 2023