

NORTH YORKSHIRE COUNCIL

19 July 2023

Appointment of further Independent Persons for North Yorkshire Council

Report of the Assistant Chief Executive Legal and Democratic Services and Monitoring Officer

1.0 PURPOSE OF REPORT

- 1.1 To seek Council's approval the appointment of certain individuals as Independent Persons for Standards for the North Yorkshire Council.

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 in relation to complaints against councillors, 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 Standards and Governance Committee's work in supporting the Council on ethical issues and key stages of complaint handling and invites the Independent Persons to all Standards and Governance Committee meetings (but they are not formal co-opted members).
- 2.4 The Independent Persons are paid an allowance (currently £921 a year) 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 means an increased financial implication for the new authority in this respect.
- 2.5 The term of office of the two Independent Persons for the predecessor authority North Yorkshire County Council continued post Vesting Day as a continuing authority model of local government reorganisation. The Standards and Governance Committee agreed that the Monitoring Officer should look to recruit additional 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 Council assumed responsibility from Vesting Day.

3.0 RECRUITMENT AND APPOINTMENT PROCESS

3.1 The Monitoring Officer, in consultation with the Chair of the Standards and Governance Committee, has power to exercise all functions in respect of the publication of Independent Person for Standards' vacancies. The Standards and Governance Committee has a role in assisting in the recruitment of Independent Persons (but not approving individual appointments, which is a function of full Council).

3.2 A recruitment process has been undertaken for additional Independent Persons including the publication of the vacancies on the Council's website and supported by a press release and social media publicity. Shortlisting of applicants was undertaken by the Monitoring Officer and the Chair of the Committee and interviews with the shortlisted applicants were undertaken by a panel of Members from the Committee. The panel agreed that the appointment of preferred applicants should be recommended to full Council through the Monitoring Officer.

3.3 Following the interviews, the Standards and Governance Committee, through the Monitoring Officer, recommends the appointment of the following applicants for a four year period (with the ability of the Monitoring Officer to extend in consultation with the Chair of the Standards and Governance Committee) as additional Independent Persons for Standards for the Council:

- **Richinda Taylor** – Richinda was an independent person for standards for Scarborough Borough Council since 2013.
- **James Nelson** – James was an independent person for standards for Hambleton District Council's Standards Hearing Panel from 2019 to 2023.
- **Roy Martin** – Roy was an independent person for standards for Hambleton District Council from 2019 to 2023.
- **Gillian Baker** – Gillian was an independent person for standards for Ryedale District Council from 2007 to 2023.

3.4 It is also recommended that the two Independent Persons for Standards whose terms of office automatically continued post Vesting Day, should be extended for a four year period (with the ability of the Monitoring Officer to extend in consultation with the Chair of the Standards and Governance Committee):

- Hilary Gilbertson MBE
- Louise Holroyd.

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 EQUALITIES IMPLICATIONS

7.1 The roll was appropriately advertised in the local press and on the Council's website. The Council's policies were followed in undertaking the recruitment process. Therefore there are no significant equalities implications in these appointments.

8.0 RECOMMENDATIONS

8.1 That the Council formally re-appoints

- Hilary Gilbertson MBE; and
- Louise Holroyd

as Independent Persons for Standards for the North Yorkshire Council for a four year period (with the ability of the Monitoring Officer to extend in consultation with the Chair of the Standards and Governance Committee).

8.2 That the Council appoints

- Richinda Taylor
- James Nelson
- Roy Martin
- Gillian Baker

as additional Independent Persons for Standards for the North Yorkshire Council for a four year period (with the ability of the Monitoring Officer to extend in consultation with the Chair of the Standards and Governance Committee).

BARRY KHAN

Assistant Chief Executive Legal and Democratic Services and Monitoring Officer

Background Documents: Localism Act 2011

County Hall
NORTHALLERTON

6 July 2023