

Appointment of an Independent Person 29 July 2020

Report of the Standards Committee

PURPOSE OF REPORT

To enable Council to appoint an Independent Person in accordance with the Localism Act 2011.

This report is public

RECOMMENDATION OF THE STANDARDS COMMITTEE

(1) That Mr Barry Dearing be appointed as an Independent Person.

1.0 Introduction

- 1.1 The Localism Act 2011 requires the Council's arrangements for dealing with complaints of breach of the Code of Conduct to include provision for the appointment by the Council of at least one Independent Person, who must be appointed through a process of public advertisement, application, and appointment by a positive vote of a majority of all members of the Council (not just of those present and voting).
- 1.2 The Independent Person must be consulted before the Council 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. The Independent Person may be consulted by the Council in respect of a standards complaint at any other stage, and may be consulted by a member or co-opted member of the Council or of a parish council against whom a complaint has been made. The Committee's arrangements for dealing with complaints require the Independent Person to be consulted before a complaint is referred for investigation.
- 1.3 On 2 March 2016 Council appointed Mrs Jacqueline Waring as its Independent Person. At the same time a second Independent person was appointed and a reserve independent person remained in place, however these two persons have since resigned from their roles.
- 1.4 Towards the end of last year was felt that a second independent person was required to enable standards matters to be dealt with swiftly without overburdening Mrs Waring. A resulting recruitment exercise was undertaken earlier this year. The current Independent Person for Ribble Valley Borough Council, Mr Barry Dearing, applied and was subsequently interviewed by the Monitoring Officer and Deputy Monitoring Officer. Mr Dearing chaired the Ribble Valley Borough Council's Standards Committee from 2001-2012, when

Committees were required to have an Independent Chair. Having practised as a solicitor in East Lancashire since 1971, Mr Dearing is now a consultant. For the last 25 years Mr Dearing has been a Director of the Riverside Charitable Trust, based in Rossendale.

- 1.5 Mr Dearing attended for an interview with the Monitoring Officer and Deputy Monitoring Officer on 22 January 2020 and it was clear that Mr Dearing has considerable experience which is directly relevant to the role.

2.0 Proposal Details

- 2.1 The Standards Committee, at its meeting on 9 July 2020 resolved that Mr Barry Dearing be recommended to full council for appointment as a second Independent Person for the City Council. The appointment of Independent Person is for an indefinite period, but may be terminated by either party at any time.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None directly arising from this report. As required by the Localism Act 2011, the appointments have been made following public advertisement.

LEGAL IMPLICATIONS

The Council is required to appoint at least one Independent Person, and it is good practice to have more than one to cover absence or conflicts of interest.

FINANCIAL IMPLICATIONS

None directly arising from this report. No allowance is paid to the Independent Person, but travel expenses can be claimed, which can be met from existing budgets.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 officer has no comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has no comments.

BACKGROUND PAPERS

None

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