

# MIDDLESBROUGH COUNCIL

AGENDA ITEM 4

## COMMITTEE REPORT

### CORPORATE AFFAIRS COMMITTEE

19 JULY 2012

#### APPOINTMENT OF STANDARDS INDEPENDENT PERSONS

#### RICHARD LONG, DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

##### PURPOSE OF THE REPORT

1. To agree the appointment of three Standards Independent Persons for a period of up to two years.

##### BACKGROUND

2. As Members will be aware, the previous Standards regime was abolished by the Localism Act 2012. The new requirements came into effect on 1st July 2012.
3. Under the previous legislation the Council was required to appoint independent persons and chairs to the Standards Committee and the various sub-committees that dealt with breaches of the Code of Conduct. The Localism Act does not allow independent chairs of Standards Committees, or independent members with voting rights.
4. The Localism Act requires that the Council has at least one Independent Person to act in respect of allegations of breaches of the new Members' Code of Conduct. In future, when the Council receives a complaint relating to the conduct of an elected Member, the first stage is for the Monitoring Officer and the Independent Person to consider whether an investigation should be undertaken. The Independent Person will also be available to advise Members if so required.
5. The Localism Act ruled out the appointment of our existing Standards Independent members being appointed to act as the new Independent Persons. The Government's rationale for this is that the role of the Independent Person is in no way similar to the (previous) role of the independent Chairs and independent members on the former Standards Committees. The former role was principally to be involved in the determination of allegations about misconduct of Members. The Government's view is that the role of the new Independent Person is wholly advisory, providing advice to the council on any allegation it is considering, and to a member facing an allegation who has sought the views of that person.

6. The legislation required that the Council advertised for applicants for the new Independent Person(s). We received only one application, and this was received after the final closing date.
7. Other Authorities experienced similar problems, and following representations from the Local Government Association, the Government rushed through transitional arrangements to allow Councils to appoint someone who has previously been an independent Chair or member of the Council's Standards Committee as an Independent Person.
8. Unfortunately, the transitional regulations appear to have been mis-drafted, and the Government is now considering more amending legislation. At the time of writing this report it is unclear as to the eventual requirements of the proposed regulations. However, it is clear that as the legislation stands, we can appoint previous independent members or chairs of our Standards Committee to serve as Independent Persons as a transitional, interim measure.
9. The three previous independent Chairs, Chris Nestor, Joanne Kidd and Brian Footitt, have all submitted applications to serve as interim Independent Persons. From their experience as chairs of Standards Committees they have a sound understanding of the principles and operation of codes of practice and standards of conduct.
10. It is therefore recommended that Committee agrees the appointment of Chris Nestor, Joanne Kidd and Brian Footitt as Independent Persons for a period of up to two years, in order to establish the requirements of the forthcoming legislation, and to give the Council time to recruit and train suitable Independent Persons.

## **RECOMMENDATIONS**

11. That Committee agrees the appointment of Chris Nestor, Joanne Kidd and Brian Footitt as Independent Persons for a period of up to two years.

## **BACKGROUND PAPERS**

12. The following background papers were used in the preparation of this report:
  - Localism Act 2012

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