

MIDDLESBROUGH COUNCIL	
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Report of:	Charlotte Benjamin, Corporate Director of Legal and Corporate Services (Monitoring Officer)
Submitted to:	Council
Date:	15 July 2026
Title:	Reciprocal Arrangement for Independent Persons
Report for:	Decision
Status:	Public
Council Plan priority:	Delivering Best Value

Proposed decision(s)
That the Council approves: - entering into a reciprocal arrangement with Redcar and Cleveland Borough Council for the cross-authority use of appointed Independent Persons (IPs) - the appointment of the designated Independent Persons duly appointed by Redcar and Cleveland Borough Council under the Localism Act 2011 to act as substitute Independent Persons for Middlesbrough Council, subject to conflict of interest checks.

Executive summary
The Localism Act 2011 (the Act) places the Council under a duty to promote and maintain high standards of conduct for elected and co-opted members. The Act requires that the Council has Code of Conduct Complaint Arrangements (the Arrangements) in place to handle complaints relating to allegations of breaches of the Council's adopted Members Code of Conduct (The Code). Under S.28(7) of the Act, the Council is required to appoint at least one Independent Person whose views are to be sought in relation to complaints before making a decision on an allegation of a breach of the Code. Middlesbrough Council has appointed two independent Persons. Having a small pool of IPs to rely on creates a vulnerability in the event of unexpected conflicts of interest, IP absences or limits of IP capacity. A reciprocal arrangement with Redcar and Cleveland

Borough Council is considered necessary to ensure that the Council still has access to an alternative IP.

When a Council requires an independent person's advice but the one(s) appointed is unavailable, a cost neutral reciprocal arrangement allows each Council to quickly borrow a fully trained IP to ensure continued adherence with the Act, enabling compliance with the Council's existing Code of Conduct Arrangements and providing resilience in the administration of Code of Conduct complaints by reducing any delay in their handling.

It is a requirement of the Act that full Council formally approves the appointment of IPs. Approval by Full Council of the appointment of Independent Persons, duly appointed by Redcar and Cleveland Borough Council under the Localism Act 2011, as substitute Independent Persons for Middlesbrough Council under a reciprocal arrangement, is sufficient for the purposes of the Act.

1. Purpose of this report and its contribution to the achievement of the Council Plan ambitions

- 1.1 An IP's role is to enable the public to have confidence in how the Council deals with allegations of misconduct by members or co-opted Members.
- 1.2 The purpose of this report is to seek approval for a reciprocal arrangement with Redcar and Cleveland Borough Council for the cross-authority use of each council's appointed IPs in the event of their own IP's unavailability.
- 1.3 This is to ensure resilience, business continuity, and proactive management of IP conflicts of interest where they arise in the processing of Member Code of Conduct Complaints.

Our ambitions	Summary of how this report will support delivery of these ambitions and the underpinning aims
A successful and ambitious town	This report will support the delivery of all these ambitions, and the underpinning aims to deliver best value by ensuring robust and effective corporate and ethical governance around Code of Conduct complaint's handling and decision making.
A healthy Place	
Safe and resilient communities	
Delivering best value	

2. Recommendations

That the Council approves:

- entering into a reciprocal arrangement with Redcar and Cleveland Borough Council for the cross-authority use of appointed Independent Persons (IPs)
- the appointment of the designated Independent Persons duly appointed by Redcar and Cleveland Borough Council under the Localism Act 2011 to act as

substitute Independent Persons for Middlesbrough Council, subject to conflict of interest checks.

3. Background and relevant information

- 3.1 The Independent Person must be consulted by the Monitoring Officer and have his or her views taken into account to assess the appropriate course of action with regard to a complaint, at each decision-making stage. The Monitoring Officer may also consult the Independent Person at any stage in the process. The views of the Independent Person may be sought in other circumstances by the Council and also by a member or co-opted member that is the subject of an allegation under the Code.
- 3.2 The role of the Independent Person is crucial in ensuring public confidence in the Council's local ethical framework. The Monitoring Officer consults the IPs at each of the different stages of the complaint process.
- 3.3 Although the Council's existing arrangements comply with the requirements of the Act, occasions can arise where the Council's appointed IPs cannot act due to:
 - a) Direct or indirect conflicts of interest (personal or professional or prior business relationship with the complainant or subject member).
 - b) Numerous simultaneous complaints which exceed local IP capacity
 - c) Unavailability of the IPs (e.g. holidays, sickness or other personal absence).
- 3.4 Instead of undertaking the cost of recruiting an endless reserve pool of IPs, having a reciprocal arrangement with Redcar and Cleveland Borough Council offers a secure legal backup for the Council's Code of Conduct Arrangements. The reciprocal arrangement would offer a more cost-effective solution to the infrequent need for a substitute IP.
- 3.5 It is a requirement of the Localism Act 2011 that full Council formally approves the appointment of an Independent Persons. Approval by Full Council of the appointment of Independent Persons, duly appointed by Redcar and Cleveland Borough Council under the Act, as substitute Independent Persons for Middlesbrough Council under a reciprocal arrangement, is sufficient for the purposes of the Act.

4. Other potential alternative(s) and why these have not been recommended

- 4.1 Another potential alternative option available to the council is to carry out a separate recruitment process to enlarge the Council's available pool of IPs. This would involve a fresh recruitment process and require a retainer to be paid to any successful candidate to ensure their availability in the event that their services as an IP being required:
 - a) If the recruitment process is successful, this will represent an additional cost for the Council, per newly appointed IP, as opposed to the cost neutral option available in sharing IPs under a reciprocal arrangement, in the event of need, due to conflict of interests or other reasons arising.

- b) If the recruitment process is not successful, the council will not have an available IP in the event of the existing Council IPs being conflicted out, meaning the complaints would be subject to delay whilst an alternative IP solution was found.

4.2 The proposed recommendation of a reciprocal arrangement is considered necessary to ensure that the Council still has access to an alternative IP, enabling compliance with the Council's existing Code of Conduct Arrangements and providing resilience in the administration of Code of Conduct complaints by reducing any delay in their handling.

5. Impact(s) of the recommended decision(s)

Topic	Impact
Financial (including Social Value)	There are no financial implications or impact on any budgets. Entering into a reciprocal arrangement with Redcar and Cleveland Borough Council would offer a cost neutral solution to the infrequent need for a substitute IP.
Procurement	There are no procurement implications arising from the recommendations in this report.
Legal	Entering into a reciprocal arrangement with Redcar and Cleveland Borough Council will ensure Middlesbrough Council still has access to an impartial IP when this Council's two IPs are not available, it ensures that the Council can comply with the requirements of the Localism Act and this Council's Code of Conduct Complaints arrangements. Redcar and Cleveland Borough Council operate under similar code of conduct arrangements and complaints procedures, therefore there are no concerns with regard to consistency. The sharing of IP's (when needed) will prevent delays in the handling of Code of Conduct Complaints
Risk	This decision will have a positive impact and support good governance and transparency
Human Rights, Public Sector Equality Duty and Community Cohesion	The subject of this report is not a policy, strategy, function or service that is new or being revised therefore an equality impact assessment is not required.
Reducing Poverty	The decision will have no impact on this area, either positively or negatively.
Climate Change / Environmental	The decision will have no impact on this area, either positively or negatively.
Children and Young People Cared for by	The decision will have no impact on this area, either positively or negatively.

the Authority and Care Leavers	
Data Protection	The decision will have no impact on this area, either positively or negatively. The substitute IP will be considered an office holder of this Council in accordance with the duty under s.28(7) of the Localism Act 2011 and would therefore be subject to this Council's Data Protection policies for the duration of their handling of this Council's Code of Conduct complaints.

Appendices

1	None
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Background papers

Body	Report title	Date
None		

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