



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

23 March 2022

Report of the Director of Legal Services and Monitoring Officer

Independent Persons

1. Purpose

- 1.1 For Council to determine the appropriate number of independent persons to support the Council's regime to maintain high standards of conduct by elected members and to determine appropriate remuneration for the independent persons.

2. Information and Analysis

- 2.1 The Governance, Ethics and Standards Committee has undertaken work to review elements of the regime for ethical conduct which was introduced in 2012 in accordance with the Localism Act 2011.
- 2.2 The review was conducted by a working group formed from the Governance, Ethics and Standards Committee and included consideration of the involvement of independent persons within the process of considering complaints against members, with specific consideration being given to the optimum number of independent persons for the Council and the level of remuneration for those independent persons. The Independent Remuneration Panel (IRP) was asked to consider the level of remuneration.
- 2.3 A copy of the report presented to the Governance, Ethics and Standards Committee on 3rd March detailing the information considered, including the recommendations from the IRP, is attached at Appendix B.

- 2.4 The Governance, Ethics and Standards Committee agreed to support the proposals that the Council should:
- a) pay independent persons appointed under s28 Localism Act 2011 a fixed-fee of £1200 per annum in 12 monthly instalments from 1st April 2022, but that this should be kept under regular bi-annual review by the Committee; and
 - b) have two independent persons.

Both proposals were referred to full Council for formal approval. The Committee also suggested that it would be appropriate for this sum to be kept under regular bi-annual review by the Governance, Ethics and Standards Committee.

- 2.5 As the Council currently only has one serving independent person, the Governance, Ethics and Standards Committee approved the commencement of a recruitment procedure to appoint a further independent person and agreed to establish a Recruitment Panel comprising Councillors Swann, Flatley and Gillott to support this. Any recommendations for a future appointment will be presented to full Council for consideration.

3. Consultation

- 3.1 This is a decision regarding administrative Council arrangements. Therefore, it was not necessary for public or external consultation to take place.
- 3.2 Members have consulted with the IRP and made appropriate enquiries to fully consider the position.

4. Alternative Options Considered

- 4.1 The arrangements for the involvement of independent persons could remain as it currently stands, with the Council having three independent persons who are remunerated on the current basis of a fee per event attended/work undertaken and reimbursement of expenses. This meets basic statutory requirements, however, it would not achieve the most efficient and effective service and benefit to the Council.
- 4.2 Consideration could be given to a different number of independent persons to support the Council or to offer an alternative amount or method of remuneration. However, it is asserted that the proposal detailed in the report is the most efficient and effective arrangement for the involvement of independent persons

5. Implications

5.1 Appendix A sets out the relevant implications considered in the preparation of the report.

6. Background Papers

6.1 None

7. Appendices

7.1 Appendix A – Implications

7.2 Appendix B – Report to the Governance, Ethics and Standards Committee on 3rd March 2022

8. Recommendation(s)

That Council:

- a) agrees that the Council pay independent persons appointed under s28 Localism Act 2011 a fixed-fee of £1200 per annum in 12 monthly instalments from 1st April 2022, but that this should be kept under bi-annual review by the Governance, Ethics and Standards Committee;
- b) agrees that the Council should have two independent persons; and
- c) notes that a recruitment process for a second independent person will be commenced.

9. Reasons for Recommendation(s)

9.1 To comply with the legislation to have in place independent persons as required by the Localism Act 2011.

9.2 To ensure that independent persons are appropriately remunerated.

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Implications

Financial

- 1.1 As only two persons will be undertaking the role of independent person, the total cost to the Council per year will be £2400 which is a minimal consideration. Financial advice provided to the IRP in considering the reasonableness of the proposal was that this was a reasonable amount which the Council could accommodate.

Legal

- 2.1 Section 28(7) of the Localism Act requires that an authority must include provision for the appointment by the authority of at least one independent person and in accordance with 28(8)(d), is not prevented from being paid an allowance by the appointing authority.
- 2.2 Section 28(7) also requires that the independent person(s) be appointed by the authority and section 28(8)(c)(iii) requires that any appointment be approved by a majority of the members of the authority.

Human Resources

- 3.1 Independent persons are not employees and there is no contract of employment. Therefore, there are no HR considerations

Information Technology

- 4.1 There are no IT implications

Equalities Impact

- 5.1 In accordance with s28(8)(c), the authority must conduct an appropriate appointment procedure for independent persons. In doing so, the authority must comply with the public sector equality duty and equalities legislation.

Corporate objectives and priorities for change

- 6.1 This report links to the Council Priority of High Performing Value for Money and Resident Focused Services. The changes proposed will enable efficient and up to date functioning of the Council as a corporate body.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None