

Meeting: Council

Date: 17 May 2022

Wards Affected: All

Report Title: Appointment of Independent Persons to assist the Council Standards Committee

Executive Lead Contact Details: Councillor Carter, Cabinet Member for Corporate and Customer Services; email: Christine.carter@torbay.gov.uk

Supporting Officer Contact Details: Amanda Barlow, Monitoring Officer, email: Amanda.barlow@torbay.gov.uk

1. Purpose and Introduction

- 1.1 To appoint a new Independent Person to assist in the consideration of complaints against Members under the Council's Code of Conduct for Members and to help promote and maintain the high standards of conduct by Members.

2. Proposed Decision

- 2.1 **That the Council appoints Dr Kathleen Lund as its Independent Person for a period commencing on 17 May 2022 and expiring on 17 May 2026.**
- 2.2 **That the Chief Executive, on behalf of the Council, write to Mr Peter Styler, thanking him for his time and guidance during his tenure as Independent Person.**

2.2 Reason for Decision

The Localism Act 2011 requires local authorities to promote and maintain the high standards of conduct by Members. Part of the arrangements require each local authority to appoint at least one independent person whose views are to be sought and taken into account before a decision is made by the Standards Committee on an allegation that has been investigated. The appointments must be confirmed by Full Council.

Supporting Information

4. Position

- 4.1 The Council has been operating with two Independent Persons, with recent notification that one wishes to step down. Under the Localism Act 2011, it is permissible to have one Independent Person, but it is felt that having two Independent Persons provides greater independence.

- 4.2 As set out in the Protocol for the Assessment and Determination of Allegation of Breaches of the Members Code of Conduct, the Monitoring Officer when considering a complaint of misconduct, may seek the views of the Independent Person. In accordance with this same Protocol, the subject Member may also seek the views of the Independent Person, though they are not to represent nor advise the Member, but there simply to provide a Member with a view on the complaint. Therefore, to ensure independence in the process of determining a complaint concerning a Members conduct, officers feel it is appropriate that the Council should operate with two Independent Persons thereby negating a situation where both the Monitoring Officer and subject Member are calling upon the same Independent Person.
- 4.2 Following an advertisement, Dr Lund was interviewed by the Monitoring Officer and a Deputy Monitoring Officer who unanimously agreed that Dr Lund was suitable for the role and as such, their recommendation has been brought to Full Council.

Appendices

None