

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO ACCOUNTS & AUDIT COMMITTEE

DECISION

meeting date: WEDNESDAY 10 FEBRUARY 2021
title: REVIEW OF THE COUNCIL'S STANDARDS ARRANGEMENTS
submitted by: CHIEF EXECUTIVE
Principal Author: MAIR HILL – HEAD OF LEGAL AND DEMOCRATIC SERVICES

1 PURPOSE

1.1 To seek Committee's approval of the arrangements for the appointment of Independent Persons and to inform Committee of the Local Government Association Model Code of Conduct

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – }
 - Corporate Priorities – }
 - Other Considerations – }
- The Council has a duty to promote and maintain high standards of conduct by its Members. Review of the arrangements the Council operates supports that duty.

2 BACKGROUND

2.1 In November 2020, Committee approved an amendment to the Council's arrangements on standards so that it would have three Independent Persons and authorised the Head of Legal and Democratic Services to make arrangements for the appointment of two additional independent persons. The proposed arrangements are set out below.

2.2 Committee has previously been informed that the Local Government Association was developing a Model Code of Conduct. The final version of this Model Code was issued on 23 December 2020 and is attached at Appendix 1.

3 ISSUES

Appointment of Independent Persons

3.1 The Localism Act 2011 ("Act"), sets out a number of provisions which govern the appointments of Independent Persons.

Section 28(8) of the Act sets out the requirements for the eligibility of candidates for the post of Independent Person as follows:

"(8) For the purposes of subsection (7)—

(a) a person is not independent if the person is—

(i) a member, co-opted member or officer of the authority,

(ii) a member, co-opted member or officer of a parish council of which the authority is the principal authority,
or

(iii) a relative, or close friend, of a person within sub-paragraph (i) or (ii);

(b) a person may not be appointed under the provision required by subsection (7) if at any time during the 5 years ending with the appointment the person was—

(i) a member, co-opted member or officer of the authority, or

(ii) a member, co-opted member or officer of a parish council of which the authority is the principal authority...”

Section 28(10) of the Act sets out further who is deemed to be a relative under Section 28(8) as follows:

“For the purposes of subsection (8) a person (“R”) is a relative of another person if R is—

(a) the other person’s spouse or civil partner,

(b) living with the other person as husband and wife or as if they were civil partners,

(c) a grandparent of the other person,

(d) a lineal descendant of a grandparent of the other person,

(e) a parent, sibling or child of a person within paragraph (a) or (b),

(f) the spouse or civil partner of a person within paragraph (c), (d) or (e), or

(g) living with a person within paragraph (c), (d) or (e) as husband and wife or as if they were civil partners.”

These requirements will be made clear in any advertisement/job description for the position.

3.2 Section 28(8)(C) of the Act provides that:

“a person may not be appointed under the provision required by subsection (7) unless—

(i) the vacancy for an independent person has **been advertised in such manner as the authority considers is likely to bring it to the attention of the public,**

(ii) the person has **submitted an application** to fill the vacancy to the authority, and

(iii) the person’s appointment has been approved by **a majority of the members of the authority,** **[Emphasis added]**

It is proposed therefore that the post be advertised through the Council’s usual recruitment process. It will be advertised using an advertisement in local newspapers circulating in the area, on the Council’s website and on its social media. A formal application form will be required to be submitted either electronically or in writing using the Council’s standard application form.

3.3 It is proposed that the interview panel be: the Leader, the Leader of the Opposition, the Chairman of Accounts and Audit Committee and the Monitoring Officer. Following the interviews, the panel will make a recommendation on the candidates to be appointed which will be reported to Accounts and Audit Committee and then approval will be sought at Full Council in accordance with Section 28(8)(c). Following this approval, the Head of Legal and Democratic Services will make the formal appointment.

LGA Model Code of Conduct

- 3.4 Committee is referred to the draft LGA Model Code of Conduct enclosed at Appendix 1. Officers have been informed that the LGA will issue a guidance document by the end of March 2021 which will provide further guidance upon the application of the Model Code. It is proposed therefore that the Model Code and its guidance shall be brought to the next meeting of this Committee for further consideration of its adoption.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:

- Resources – Resources will be required in the recruitment of additional Independent Persons.
- Technical, Environmental and Legal – N/A
- Political – N/A
- Reputation – The Council's reputation will be enhanced by its consideration of its standards arrangements.
- Equality & Diversity – N/A

5 RECOMMENDED THAT COMMITTEE

- 5.1 Approve the arrangements for the recruitment of two Independent Persons as set out in this report.

MAIR HILL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Mair Hill extension 4418

REF: MJH/Accounts&Audit/100221

BACKGROUND DOCUMENTS:

- Report to Accounts and Audit Committee 25 November 2020
- Committee on Standards on Public Life - Local Government Ethical Standards, A Review by the Committee on Standards in Public Life, January 2019.