

**BRISTOL CITY COUNCIL  
COUNCIL MEETING  
10<sup>th</sup> SEPTEMBER 2013**

**Report of: The Monitoring Officer**

**Title: Localism Act 2011 - Appointment of independent person**

**Ward: Not applicable**

**RECOMMENDATION**

To agree the appointment of Mr Christopher Eskell as the “independent person” under Section 28 of the Localism Act, to be the statutory consultee when considering alleged breach of the Code of Conduct for Members.

**Summary**

The Council has established a process for hearing complaints against Members, in line with the requirements of the Localism Act. The independent person must be consulted if the Monitoring Officer decides to refer a complaint against a Member for formal investigation.

The Audit Committee is the committee with responsibility for standards matters and therefore the independent person will become a co-opted member of that committee and will advise the committee on standards issues.

**The significant issues in the report are:**

As set out in the report.

**Policy**

The Council is committed to maintaining high standards of Member conduct in line with its Code of Conduct for Members and its protocol for Member/Officer relations. The independent person will ensure that any formal investigation of complaints against Members for breach of these standards is conducted in a fair manner.

## Consultation

The position of independent person was advertised in the local media, and applicants were interviewed by representatives of the Audit Committee and by Officers on Friday, 10<sup>th</sup> May 2013.

## Context

1. The Localism Act 2011 places a duty on all Councils to promote and maintain high standards of conduct of elected and co-opted Members. This includes a requirement for all Council's to have a Code of Conduct which sets out the behaviour expected of all Members, and arrangements for dealing with complaints against Members who have failed to comply with the Code.
2. These latter arrangements must include the appointment of at least one "independent person" who :
  - Must be consulted by the Council before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Member ;
  - May be consulted by the Council in respect of a standards complaint at any other stage, and
  - May be consulted by a Member or co-opted Member against whom a complaint has been made.
3. The legislation provides that the independent person may not be an independent member from the former Standards Committee arrangements. Nor may they have been a Member or employee of the Council during the past 5 years or be related to or be a close friend of any Member or employee of the Council.
4. The Audit Committee is the committee which oversees standards within the authority and is therefore the committee which is responsible for the complaints against Members process.
5. The Audit Committee decided that one independent person would be sufficient to meet the Council's requirements and fulfil its obligations under the Localism Act provisions. It was agreed that the appointee would serve for a 4 year term and would be

available to take part in any consultation regarding formal investigation of complaints against members which is undertaken by the Monitoring Officer. They would attend meetings of the Audit Committee when standards related issues are discussed and advise the Committee thereon. A remuneration of £50 per complaint consultation would be made, to a maximum of not more than £571 per annum (ie the current level of remuneration for other co-optees).

6. Interviews for a position of “Independent Member (Standards)” of the Audit Committee were undertaken on 10 May by representatives of the Audit Committee and Officers and it was decided to appoint Mr Christopher Eskell to the position.
7. The Localism Act requires that this appointment be approved by a majority of the Members of the authority.

### **Proposal**

8. That Mr Eskell be confirmed as the Council’s “independent person” for the purpose of Section 28 of the Localism Act 2011, and that he serve a 4 year term ending August 2017.

### **Other Options Considered**

8. Not applicable. It is a statutory requirement to appoint an independent person.

### **Risk Assessment**

9. None undertaken.

### **Equalities Impact Assessment**

10. None undertaken.

### **Legal and Resource Implications**

**Legal** – Section 28 of the Localism Act requires the Council to appoint an independent person whose views must be sought and taken into

account before a decision is taken to refer an allegation for investigation.

Mr Eskell is experienced in matters relating to standards issues having served on the Standards Committee for South Gloucestershire Council and Stroud District Council.

### **Financial**

This appointment will cost the Council not more than £571 per annum for which there is budget provision.

*(NB: the full cost per annum of the former Standards Committee independent members was £4,360)*

**Appendices** : None

### **LOCCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 Background Papers:**

None.