

Full Council

14 November 2023



Report of: Tim O’Gara, Director – Legal & Democratic Services

Title: Appointment of Independent Persons for Councillor complaints

Ward: City wide

Member Presenting Report:

Recommendation

That Full Council ratify the appointment of three Independent Persons.

Summary

This report asks Full Council to ratify the appointment of three Independent Persons whose views must be sought and taken into account on any Member Code of Conduct complaint under investigation.

The significant issues in the report are:

The Council has conducted a recruitment process and has recruited 3 independent persons to advise on Councillor complaints and this report seeks ratification of their appointment.



Policy

1. Member Code of Conduct

Consultation

2. **Internal**
Not applicable
3. **External**
Not applicable

Context

4. The Council is required by the Localism Act 2011 to put in place its own arrangements for dealing with complaints that members have failed to comply with the new Code of Conduct.
5. Section 28 of the Localism Act requires these arrangements to include the appointment of at least one Independent Person (IP) whose views: -
 - a) are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate (s.28(7)(a); or
 - b) may be sought in in other circumstances by the authority and by the member complained of (s.28(7)(b).
6. The Council is therefore required to seek and take into account the views of an IP where the decision has been taken to investigate a complaint. It may choose to seek and take into account the views of an IP in other circumstances.
7. The Council has decided to appoint three IPs. The IPs' role and responsibilities are:
 - To assist the Council in promoting high standards of conduct by elected and co- opted members of BCC Councillors, and in particular to uphold the Code of Conduct adopted by the Council and the seven principles of public office, namely selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
 - To be consulted by the Council through the Monitoring Officer and/or the Values and Ethics Committee before it makes a decision on an investigated allegation and to be available to attend meetings and hearings of the Values and Ethics Committee for this purpose.
 - To be consulted by the Monitoring Officer at the initial assessment stage before a decision is taken as to whether to investigate a complaint, to dismiss a complaint, or to seek local resolution of the same.
 - To be available for consultation at any stage by any elected member who is the subject of a standards complaint.
 - To be available for consultation by the Monitoring Officer in relation to requests by a complainant for anonymity, and to review draft investigation reports.
8. The Council conducted a robust recruitment process and has appointed the following three

independent persons: Marc Hole, Lisa Collins and Tony Drew for a period of up to 5 years with a review after 2 years.

9. The appointment entitles the IP to an allowance of £500 per annum plus reimbursement for travel expenses.

Proposal

10. That Full Council ratify the appointment of the three Independent Persons.

Other Options Considered

11. Not Applicable.

Risk Assessment

12. Not Applicable

Summary of Equalities Impact of the Proposed Decision

Not applicable.

Legal and Resource Implications

Legal

Legal Implications are as set out in this report.

Tim O’Gara, Director Legal and Democratic Services, 1 November 2023

Financial N/A

Land N/A

Personnel N/A

Appendices:

None

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

s.28 Localism Act 2011

BCC Member Code of Conduct