

Report of Head of Legal and Democratic and Monitoring Officer

Author: Margaret Reed

Telephone: 01235 422550

Textphone: 18001 01235 422550

E-mail: [margaret.reed@southandvale.gov.uk](mailto:margaret.reed@southandvale.gov.uk)

To: COUNCIL

DATE: 9 October 2019

## **Extension of term of office of independent persons for code of conduct matters**

### **Recommendation:**

That Council authorises the Monitoring Officer to extend the terms of office of Chris Smith and Martin Wright, the council's independent persons for code of conduct matters until 31 October 2020 pending the receipt of further information on potential changes to the standards framework.

### **Purpose of Report**

1. This report asks Council to authorise the Monitoring Officer to extend the terms of office of Chris Smith and Martin Wright, the council's independent persons for code of conduct matters until 31 October 2020.

### **Strategic Objectives**

2. High standards of conduct underpin all the council's work and the achievement of all its strategic objectives. The proposal ensures a continued independent person advisory service to the council on code of conduct cases.

### **Background**

3. The Localism Act 2011 requires the appointment of independent persons who the Monitoring Officer must consult at various stages of the process when dealing with allegations of misconduct by district or parish councillors.

4. At its meeting on 18 July 2012, Council appointed Martin Wright and Chris Smith as the council's independent persons until 30 June 2017.
5. These appointments were made following an advertisement, application and interview process and with a positive vote by a majority of councillors as required by the Localism Act. The Localism Act does not prescribe a time limit on the terms of office of independent persons and these were therefore within the discretion of the council.
6. On 17 May 2017 the Council authorised the Monitoring Officer to extend Mr Martin Wright's and Mr Chris Smith's terms of office, for code of conduct matters, to 30 September 2019.
7. Since their appointment, both independent persons have attended training, carried out their roles diligently and gained experience from which the council can benefit for a further period.
8. Chris Smith and Martin Wright have been consulted about their terms of office and have both confirmed their willingness to continue working in this role.
9. As reported to the Joint Audit and Governance Committee in March 2019, the Committee on Standards in Public Life has recommended changes to the standards framework and the provisions on independent persons. It is possible that the role of the independent person will change and the duration of terms of office permitted to independent persons may be specified. There might also be stipulations on the maximum permissible number of terms to be served. The Joint Audit and Governance Committee will be advised of any such changes when they are known. It would be helpful to await confirmation of any changes to the role before recruiting new independent persons.

### **Financial Implications**

10. The cost of implementing the code of conduct arrangements, training independent persons and meeting their expenses is met from existing budgets.

### **Legal Implications**

11. The legal implications are set out in the body of the report.

### **Risks**

12. None.

### **Other Implications**

13. None.

### **Conclusion**

12. This report recommends Council to authorise the Monitoring Officer to extend the terms of office of Chris Smith and Martin Wright, the council's independent persons for code of conduct matters, to 31 October 2020.

### **Background Papers**

Report to and minutes of the Council meeting on 18 July 2012  
Report to and minutes of the Council meeting on 17 May 2017