

Report of Head of Legal and Democratic and Monitoring Officer

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To: COUNCIL

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Further 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 May 2021.

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 May 2021.

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. On 9 October 2019 Council authorised the Monitoring Officer to further extend the terms of office to 31 October 2020 pending the receipt of further information on potential changes to the standards framework.
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 invited to confirm their willingness to continue working in this role.
9. When Council extended the terms of office for a further year in October 2019, it noted that the role of independent persons may change, that the duration of terms of office permitted may be specified and that there might also be stipulations on the maximum permissible number of terms to be served as a result of the recommendations of the Committee on Standards in Public Life report. To date the government has not responded to the recommendations. However, the Local Government Association is expected to issue a model code of conduct by the end of October 2020. With these changes on the horizon a further extension would provide continuity of experience for the monitoring officer and council.
10. 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. Subject to the progress of the legislative changes and the ongoing pressures arising from the council's response to Covid-19, we envisage that we will advertise the new roles in early 2021 with appointments being made in May 2021.

Financial Implications

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

Legal Implications

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

Risks

13. None.

Other Implications

14. 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 May 2021.

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

Report to and minutes of the Council meeting on 9 October 2019