



B O S T O N

BOROUGH COUNCIL

REPORT TO:	COUNCIL
DATE:	15 TH JULY 2019
SUBJECT:	REAPPOINTMENT OF NON-ELECTED REPRESENTATIVES
REPORT AUTHOR:	MONITORING OFFICER
EXEMPT REPORT?	NO

SUMMARY

To seek Council's approval for the re-appointment of non-elected representatives; Mr. Alan Pickering as Lay Member on the Audit and Governance Committee and Mrs. Alison Fairman as Independent Person to assist the Monitoring Officer in dealing with allegations of Member misconduct.

RECOMMENDATIONS

1. That Mr. Alan Pickering be reappointed to the Audit and Governance Committee as its non-elected representative for a further four year period to May 2023.
2. That Mrs. Alison Fairman be reappointed as the Council's Independent Person to assist the Monitoring Officer in dealing with complaints of alleged Member misconduct for a further four year period to May 2023, subject to the provisions of any new legislation being enacted.

REASONS FOR RECOMMENDATIONS

It is a requirement of the Localism Act 2011 for the Council to appoint an Independent Person to be consulted as part of the Code of Conduct complaint handling process.

It is good practice to appoint a lay representative to the Audit and Governance Committee and it is in accordance with Government advice.

ALTERNATIVES CONSIDERED

None.

REPORT

1. Audit and Governance Committee Lay Member

- 1.1 The membership of the Audit and Governance Committee is based on political balance with 9 elected Members and, in line with best practice, also has a role for 1 non-elected representative.
- 1.2 A recruitment process was undertaken to fill the role of non-elected representative with a person who had the required skills as defined by a competency framework. As a result of this process, Mr Alan Pickering was appointed to the position in April 2013.
- 1.3 Mr Pickering has now served as the non-elected representative on the Committee since 2013 and has proved to be a very able member.

2. Appointment of Independent Person

- 2.1 Under the Localism Act, the Council has a duty to 'promote and maintain high standards of conduct by its Members and Co-opted Members of the authority' and must implement those provisions detailed in the Act, including having in place a process for the consideration and determination of complaints alleging breaches of the Code of Conduct, and appointing an Independent Person to assist the Monitoring Officer in dealing with such allegations.
- 2.2 Mrs. Alison Fairman has fulfilled the role of Independent Person since 2012 and has a wealth of knowledge and experience on standards and ethical governance matters, and has performed the role of Independent Person diligently. There is no prescribed time limit on the term of office of the Independent Person and this is therefore within the discretion of the Council.
- 2.3 A recruitment exercise for Independent Persons has been carried out without success. However, we will continue to seek additional Independent Persons and any future proposed appointments will be reported to Council.

CONCLUSION

In view of the above, it is recommended that Council considers reappointing Mr. Alan Pickering and Mrs. Alison Fairman as non-elected representatives for a further four years, until the Council's Annual General Meeting in May 2023.

FINANCIAL IMPLICATIONS

Special responsibility allowance for the Lay Member of the Audit and Governance Committee to be met from existing budget.

LEGAL IMPLICATIONS

Section 28 of the Localism Act 2011 requires Principal Authorities to have in place arrangements for investigating allegations of Member misconduct and taking decision of those allegations. It also requires the Council to appoint at least one Independent Person who must be consulted as part of the complaint handling process.

Under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, Independent Persons now have an additional formal statutory role serving on a Panel, when required, to advise the Council prior to any vote on whether to dismiss the Council's Head of Paid Service, Monitoring Officer and Chief Finance Officer (Protected Officers).

ANY OTHER IMPLICATIONS

None.

CONSULTATION

None.

APPENDICES

None.

BACKGROUND PAPERS

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

CHRONOLOGICAL HISTORY OF THIS REPORT

A report on this item has not been previously considered by a Council body.