



B O S T O N

B O R O U G H C O U N C I L

REPORT TO:	STANDARDS SUB COMMITTEE
DATE:	1 AUGUST 2019
SUBJECT:	RECRUITMENT AND REMUNERATION OF INDEPENDENT PERSONS
PORTFOLIO HOLDER:	N/A
REPORT AUTHOR:	MONITORING OFFICER
EXEMPT REPORT:	No

SUMMARY

To provide an update on the recruitment process for Independent Persons and to consider if the position should be eligible to receive remuneration.

RECOMMENDATIONS

1. That the update on the recruitment process for Independent Persons be noted.
2. That the Independent Remuneration Panel be requested to consider an appropriate level of remuneration for the position of Independent Person, to recognise the time commitment and responsibility attached to the role.

REASONS FOR RECOMMENDATIONS

To increase the pool of Independent Persons available to assist the Monitoring Officer in dealing with allegations made against Members.

ALTERNATIVES CONSIDERED

Not to remunerate the position of Independent Person.

REPORT

1. Background

- 1.1 In accordance with the Localism Act 2011 arrangements must be put in place for the appointment by the Council of at least one Independent Person whose views must be sought and taken into account by the Council before it makes a decision on an allegation against an elected member that it has decided to investigate.
- 1.2 The Independent Person's views may be sought by a member or co-opted member of the Council if that person's behaviour is the subject of an allegation, and may also be sought by the Council in relation to an allegation it has not yet decided to investigate.
- 1.3 Boston currently has one appointed Independent Person, Mrs. Alison Fairman. Whilst this fulfils the requirements of the Act, it does not provide capacity should the Independent Person resign, or be unavailable at such time they may be required, or find themselves conflicted in a particular complaint.

2. Recruitment Process

- 2.1 In an effort to increase the pool of Independent Persons available to the Council, a recruitment exercise has been conducted on three separate occasions during the past 18 months. Unfortunately there have been no applications submitted for this role.
- 2.2 It is proposed to start the recruitment exercise again shortly, which will include an advert in a local newspaper, on the Council's website and via social media.
- 2.3 To ensure appointed persons are independent of the Council there are restrictions on the eligibility for appointment:
 - be, or have been within the last five years, an elected or co-opted member or an officer of Boston Borough Council.
 - be, or have been within the last five years, an elected or co-opted member of any committee or sub-committee of Boston Borough Council.
 - be, a relative or close friend of a current elected or co-opted member or officer of Boston Borough Council or of any elected or co-opted member of any committee or sub-committee of the Council.
- 2.4 Should any applications be received in response to the next recruitment exercise, interviews will be arranged and if any candidate(s) were considered to be suitable for the role, a recommendation would be made to full Council as the appointing body.

3. Remuneration

- 3.1 The role of Independent Person is currently a voluntary position and no annual allowance is paid in respect of this appointment. However, travelling and subsistence expenses may be claimed at the appropriate rate.
- 3.2 Some authorities pay an allowance to the Independent Person in recognition of the role undertaken (see table below). This approach is permissible under Section 28 of the Localism Act – *‘a person appointed under the provision required by subsection (7) does not cease to be independent as a result of being paid amounts by way of allowances or expenses in connection with performing the duties of the appointment’*.

Council	Allowance
Powys	£99 for a half day (up to 4 hours) and £198 for a full day (over 4 hours)
Harrow	£445 per annum
Leeds	Co-opted Members of the Standards Committee are entitled to an allowance of £557 (reviewed annually). The Chairman of the Standards Committee also receives a Special Responsibility Allowance of £4,828
Chesterfield	The role of Independent Person is unalaried, but a sum of £50 for up to 4 hours work and £100 for 4 hours and over, up to a maximum of £500 per person per annum, is payable in recognition of the role undertaken.

- 3.3 It is for the Committee to consider whether the existing arrangements (that the role receives expenses only) should continue or whether the Independent Remuneration Panel be requested to determine options for remuneration.
- 3.4 It should be noted that the equivalent role of Lay Member on the Audit and Governance Committee receives an allowance of £408 per annum.
- 3.5 As with Members of the Council, should an allowance be agreed and implemented, claiming that allowance is not compulsory and so any Independent Person may chose not to do so.

CONCLUSION

As mentioned in the body of the report, the role of Independent Person is currently not remunerated and recruitment of additional Independent Persons to create a pool of people to call upon, has proved difficult. The Committee is asked to consider whether the role should receive remuneration taking into account the time commitment and responsibility attached to it.

FINANCIAL IMPLICATIONS

If it was agreed to remunerate the role of Independent Persons the Members' Allowances budget may increase, subject to the level of allowance recommended by the Independent Remuneration Panel.

LEGAL & EQUALITY IMPLICATIONS

Section 27 of the Localism Act 2011 requires authorities to promote and maintain high standards of conduct by their members and co-opted members. The Act requires local authorities to have in place mechanisms to investigate allegations that a member has not complied with their Code of Conduct, and arrangements under which decisions on allegations may be made.

Section 28(7) of the Act requires local authorities to appoint at least one Independent Person to advise the Council before it makes a decision on an allegation. The Independent Person also advises a member facing an allegation who has sought the views of that person.

All applications for the role of Independent Person will be considered on merit.

ANY OTHER IMPLICATIONS

The Independent Person helps to provide public confidence in the manner in which the Council deals with complaints against its elected and co-opted members.

The role of Independent Person is advisory and is important in providing assurance to the Council and the public that standards matters are being dealt with effectively, fairly and proportionately.

CONSULTATION

No consultation undertaken.

APPENDICES

None

BACKGROUND PAPERS

Background papers used in the production of this report are listed below: -

Document title	Where the document can be viewed
Localism Act 2011	http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted

CHRONOLOGICAL HISTORY OF THIS REPORT

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