

COUNCIL

6 MAY 2014

REPORT OF THE MONITORING OFFICER AND MANAGEMENT AND MEMBERS' SUPPORT MANAGER

A.4 APPOINTMENT OF INDEPENDENT PERSON AND INDEPENDENT REMUNERATION PANEL UPDATE

(Report prepared by Lisa Hastings and Karen Neath)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To approve an annual allowance for the new Independent Person role and to extend the appointment of Mr John Wolton, as the Council's current Independent Person until 30th September 2014 for the recruitment exercise to be undertaken.

To provide an update on appointment of an Independent Review Panel for the Council and to seek endorsement to utilise the appointed Independent Persons to fulfil this role.

EXECUTIVE SUMMARY

Independent Persons

The Localism Act 2011 requires each local authority to appoint an Independent Person to work with the Council's Monitoring Officer within the Standards Framework. At the Council meeting on 26th November 2013, as part of the adoption of new conduct arrangements, it was resolved that the current Independent Persons role would terminate with effect from 6th May 2014.

Since the new arrangements were put into place last year, the Council's Monitoring Officer has commenced a recruitment exercise, which was approved by the Council's Standards Committee. The closing date for the applications was 25th April 2014 and a very low response has been received. The feedback the Monitoring Officer has received identifies the lack of an allowance allocated for the role especially as it is desired that applicants can apply from outside of the District. The Monitoring Officer has reviewed the position at other authorities and considers that an allowance of £600 would be an acceptable sum. The allowance would be deemed to cover all expenses. Members are reminded that the Independent Person must be available for the Monitoring Officer to consult with regarding any complaint received against District, Town and Parish Councillors. The allowance therefore, gives a degree of commitment to the role and support to the Monitoring Officer. It is proposed that the recruitment exercise be repeated with the allowance being referred to in the application pack. The funding would be found from within existing budgets.

John Wolton was appointed as the Council's Independent Person at the full Council meeting on 3rd July 2012 (Minute 32 refers) and remains as such until 6th May 2014. Although it is envisaged that the recruitment exercise would be repeated with interviews taking place before the next council meeting, it is suggested that the current Independent Person's appointment is extended until 30th September 2014, to provide the continuity and additional time should it be required.

Independent Remuneration Panel

At the Council meeting on 17 May 2011 the Annual Review of the Scheme of Members' Allowances by the Independent Remuneration Panel was considered. It was agreed that a scheme of indexation be introduced for allowances commencing in May 2012, May 2013 and May 2014. Recommendation (d) of that meeting resolved:-

That Officers bring forward to a future Council meeting a report on the options for the provision of an Independent Remuneration Panel following the expiry of the term of appointment of the current members of the Tendring District Council Independent Remuneration Panel.

The term of the last members of the previous panel ended on 30 June 2012 and, following this, an advertisement was placed through the local press to seek applicants for a new panel. This was followed up with a direct communication to the local business community. However, interest was extremely limited and did not deliver sufficient candidates to form a panel. Alternatively, legislation allows the Council to jointly appoint a panel with another authority. To this end, approaches have been made to nearby district councils both within Essex and Suffolk and to the County Council. However, it has not proved possible to find another council able to move forward with a jointly appointed panel.

Given the difficulty experienced in attracting independent people to participate in both the standards arrangements and the recommending of members' allowances, it is proposed to utilise the re-advertisement for Independent Persons to recruit people to undertake both this and the Remuneration Panel role. Council has agreed to have three Independent Persons and there are three people required for the Independent Remuneration Panel. The Monitoring Officer does not consider that there would be any conflict of interest should the roles be combined and legislation does not prohibit it.

It is suggested that the proposed allowance of £600 for each Independent Person would also encompass the Remuneration Panel role. If agreed, costs will be £1,800 per year and this can be funded using the £500 per year already in the budget for the Independent Remuneration Panel plus a further £1,300 to be found within existing budgets.

The new panel will commence a review of allowances and report back to Annual Council in May 2015.

RECOMMENDATION(S)

It is recommended:-

- (a) That the appointment of three individuals to undertake the dual role of Independent Persons and the Independent Remuneration Panel be agreed**
- (b) That with immediate effect an annual allowance of £600 be allocated for each individual undertaking the dual role of Independent Person and Independent Remuneration Panel member.**
- (c) That the appointment of John Wolton, as the current Independent Person be extended until 30 September 2014.**