YORKSHIRE DALES NATIONAL PARK AUTHORITY **ITEM 8**

Date: **26 March 2024**

Report: **INDEPENDENT PERSON - FURTHER EXTENSION OF TERM OF OFFICE**

Purpose of the report

1. To extend the term of office of the Independent Person.

RECOMMENDATION

2. That Members extend the term of office of Alex Rocke, Independent Person for a further three years until June 2027.

Strategic Planning Framework

3. The information and recommendation(s) contained in this report are consistent with the Authority's statutory purposes and its approved strategic planning framework:

   - ***Corporate Plan objectives***

   Objective 31: Operate governance arrangements that are fit for purpose as reported through the Annual Governance Statement and the Annual Governance Report.

Background

4. The Authority has a duty, under the Localism Act 2011 ('the Act'), to promote and maintain high standards of Member conduct, and in accordance with the Act has arrangements in place for dealing with allegations of failure to comply with the Member Code of Conduct.

5. Section 28(7) of the Act provides for the appointment by the Authority of at least one Independent Person ('IP'). The Act requires that:

   - the IP's views **must** be sought and taken into account by the Authority before it makes its decision on an allegation which it has decided to investigate;

- the IP's views **may** be sought by the Authority in relation to an allegation in other circumstances (e.g. before a decision to investigate is taken, and/or in relation to issues other than the final decision on an allegation);
- the IP's views **may** be sought by a Member of the Authority whose behaviour is the subject of an allegation of breach of the Code of Conduct

6. In 2015, the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 changed the procedures for dismissal of Statutory Officers. Any panel set up to consider disciplinary action in relation to the Statutory Officers (the Head of Paid Service, the Chief Financial Officer and the Monitoring Officer) should now include at least two Independent Persons.

7. On 26 June 2018, the Authority appointed two new Independent Persons. Lynda Fothergill was appointed for a term of five years to June 2023 and Alex Rocke was appointed for a term of three years to June 2021. Both Independent Person's terms of office have been extended for a period of three years, with Mr Rocke's term of office due to expire in June of this year and Ms Fothergill's to expire in June 2026.

8. The term of office is not set out in legislation and is therefore at the discretion of the Authority. At the time of appointment in June 2018, Ms Fothergill and Mr Rocke were appointed for different durations to provide the Authority with continuity.

9. It is proposed that Mr Rocke's term of office be further extended for a period of three years. Given that there has been little Standards activity other than policy/procedure reviews a fresh perspective on complaints against Members is not required. Mr Rocke attends meetings of Standards Committee and participates in the annual Independent Persons Conference. There is no benefit to the Authority in running a recruitment exercise which would incur costs and take up officer time with no guarantee of a successful appointment (Independent Persons can be difficult to recruit).

10. The Director of Corporate Services has provisionally sought Mr Rocke's view on whether he would agree to a further extension to his term of office as Independent Person, subject to the Authority's approval of this extension. Mr Rocke has confirmed that he is agreeable to the proposed further three-year extension to his term of office until June 2027.

Conclusion

11. Please refer to Recommendation at Paragraph 2.

Clare Burrows
Director of Corporate Services

19 January 2024