

Date: 28 March 2023

Report: EXTENSION OF TERM OF OFFICE – INDEPENDENT PERSON

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 Lynda Fothergill, Independent Person for three years until June 2026.

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 objective**
Objective 36: 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 Independent Persons to replace the outgoing Independent Persons. The term of office is not set out in legislation and is therefore at the discretion of the Authority. At the time of appointment, Ms Linda Fothergill and Mr Alex Rocke were appointed for different durations to provide the Authority with continuity.
 8. Ms Fothergill was appointed for a term of five years to June 2023 and Mr Rocke was appointed for a term of three years to June 2021. Mr Rocke's term of office was extended by the Authority in March 2021 for a further term of three years which expires in June 2024.
 9. It is proposed that Ms Fothergill's term of office also be extended for a period of three years. A three-year extension would enable the Authority to retain a suitably trained Independent Person (both Independent Persons attend the annual Standards Conference for Independent Persons) and ensure the Authority has continuity in office. It would also avoid the expense and time of an unnecessary recruitment exercise.
 10. The Monitoring Officer has provisionally sought Ms Fothergill's view on whether she would agree to an extension to her term of office as Independent Person, subject to the Authority's approval of this extension. Ms Fothergill has confirmed that she is agreeable to the proposed three-year extension until June 2026.

Clare Burrows
Director of Corporate Services

1 March 2023