

Meeting of the Full Council
Meeting to be held on Thursday, 12 October 2023

Report submitted by: Director of Law and Governance

Part A

Electoral Division affected:
None;

Corporate Priorities:
N/A;

Appointment of Independent Persons

Contact for further information:
Hannah Race, Tel: (01772) 530655, Senior Democratic Services Officer,
hannah.race@lancashire.gov.uk

Brief Summary

This report sets out the proposed appointment of two new independent persons to fulfil the role required by the Localism Act 2011 in relation to allegations of members' misconduct.

Recommendation

Full Council is asked to approve the appointment of Ms J England and Ms L Keane to fulfil the role of independent person as required by the Localism Act 2011, for a two-year term with effect from 12 October 2023.

Detail

The Localism Act 2011 requires the county council to appoint an "independent person" whose views must be sought by the local authority before a decision is taken in relation to an allegation of misconduct. Members who have had allegations made against them may, if they wish, also seek the views of the independent person.

Full Council has previously appointed three independent persons to fulfil this role. Where allegations of misconduct are investigated by the Monitoring Officer and a meeting of the council's Conduct Committee convened, one of the independent persons attends the meeting of the Conduct Committee as an observer to allow them to discharge the role required by legislation (that their view must be sought and taken into account before a decision is taken in relation to an allegation of



misconduct that has been investigated). Another independent person acts as an adviser to the subject member, if the member wishes, and the third independent person acts as a reserve.

Councillors, officers, and their relatives or close friends are prevented from being appointed as independent persons.

Following the end of term of office of two postholders, an open recruitment process was undertaken in August and September 2023. The recruitment panel comprised Ms I Divine (independent person already appointed), the Director of Law and Governance, and the Democratic and Member Services Manager.

The panel has selected Ms Jude England and Ms Liz Keane as suitable appointments to this role. Ms England lives in Lancashire and is currently a Trustee for a not-for-profit social research organisation. Ms Keane also lives in Lancashire and runs a Human Resources consultancy business.

The Government's Committee on Standards in Public Life recommends that independent persons are appointed for a fixed term of two years, renewable once. Full Council is therefore recommended to appoint Ms England and Ms Keane as independent persons on conduct matters for a two-year term.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

Lancashire County Council receives very few complaints against county councillors under the Code of Conduct, which means that independent persons are rarely called upon to fulfil the role required by legislation.

However, failing to appoint independent persons to advise the county council on matters relating to members' conduct may damage the public's and members' confidence that allegations of misconduct are dealt with transparently and impartially.



**Local Government (Access to Information) Act 1985
List of Background Papers**

| Paper | Date | Contact/Tel |
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None

Reason for inclusion in Part II, if appropriate

N/A

