
Subject: REMUNERATION ARRANGEMENTS FOR INDEPENDENT AND SUBSTITUTE INDEPENDENT PERSON

Meeting and Date: Council – 23 July 2014

Report of: David Randall, Director of Governance

Classification: Unrestricted

Purpose of the report: To determine the remuneration arrangements and other matters for the Independent Person and Substitute Independent Person.

Recommendation: *That it be recommended to Council:*

1. That the Independent Person be paid an allowance of £927 per annum backdated to the start of the municipal year and be entitled to claim travel and subsistence at the same rates as if s/he were a member of the authority.
 2. That the Substitute Independent Person be paid an allowance of £232 per annum backdated to the start of the municipal year and be entitled to claim travel and subsistence at the same rate as if s/he were a member of the authority.
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1. Summary

- 1.1 The Independent Person (and Substitute) are not members or co-opted members of the authority and therefore not included in the Members' Allowances Scheme. This report seeks to determine an appropriate level of remuneration for their positions.
- 1.2 Prior to the preparation of this report, a report was previously submitted to the Governance Committee. The East Kent Joint Independent Remuneration Panel was consulted as part of the Review of Members' Allowances and asked to consider the principle of remuneration for the Independent Person.
- 1.3 The Governance Committee at its meeting held on 26 September 2013 (Minute No. 248) resolved to recommend to Council, subject to the views of the East Kent Joint Independent Remuneration Panel, as follows:
 - “(a) That the Independent Person be paid an allowance of £927 per annum and be entitled to claim travel and subsistence at the same rates as if s/he were a member of the authority.
 - “(b) That the Substitute Independent Person be paid an allowance of £232 per annum and be entitled to claim travel and subsistence at the same rate as if s/he were a member of the authority.”
- 1.4 The recommendations of the Governance Committee were supported by the East Kent Joint Independent Remuneration Panel in light of the responsibility and potential workload involved in the position. A copy of the job description of the Independent Person is attached at Appendix 1 of this report for information.

2. Introduction and Background

- 2.1 A new Code of Conduct for Members was approved by the Council at its meeting on 25 June 2012. The new Code came into effect on 1 July. The Localism Act 2011 abolished not only the previous statutory Code of Conduct but also the statutory regime for dealing with complaints that sat alongside it.. The District Council was required by the Localism Act 2011 to put in place its own arrangements for dealing with complaints that members had failed to comply with the new Code of Conduct. Section 28 of the Act requires these arrangements to include the appointment of an Independent Person. The Council also decided to appoint a Substitute Independent Person to ensure a continuous provision in the event of the Independent Person being unavailable.
- 2.2 The Independent Person is Mr B P S Dowley. The substitute Independent Person is Mr A M Hayes.
- 2.3 The role of the Independent Person is set out in detail at Appendix 1 to this report.
- 2.4 In summary, the Independent Person must be consulted by the authority before it makes a decision on an allegation that it has decided to investigate. In addition, the views of the Independent Person may be sought in relation to an allegation in any other circumstances or by a member or co-opted member of either the Council or a parish council if that person's behaviour is the subject of an allegation.
- 2.5 The Independent Person (or substitute) has attended 5 meetings with the Monitoring Officer to consider complaints against Members since January 2013. Whilst the Independent Person is not a member of the Standards Committee, and may not be co-opted onto it, this does not prevent the Independent Person from attending meetings of the Standards Committee as an observer in the same capacity as any member of the public. They can also be invited to attend meetings by the Standards Committee itself.
- 2.6 The presence of independent members on the Standards Committee was well established and Dover District Council's Standards Committee was chaired by an independent member prior to it becoming a statutory requirement under the pre Localism Act regime. However, unlike the old independent members who acted in a decision-making capacity the Independent Person is not charged with decision making but rather as an advisor to the Monitoring Officer in his decision making and as a consultee for members who are the subject of a complaint.
- 2.7 The new Code of Conduct initially saw a small but significant increase in the volume of complaints although this has since declined. For the part year 1 July 2012 – 31 March 2013 the Monitoring Officer in consultation with the Independent Person considered 33 complaints. This has decreased further for the period, 1 April 2013 to 31 March 2014, when 18 complaints were received.
- 2.8 As the Independent Person is not a Member he/she would not automatically have benefited from the indemnities which District Council Members have. As part of the arrangements to establish the position of Independent Person, the Council agreed to confer a specific indemnity and arrange any necessary insurance.

3. Identification of Options

- 3.1 Option 1: That the Independent Person be paid an allowance of £927 per annum, plus travel expenses at the same rate as councillors and the Substitute Independent

Person be paid an allowance of £232 per annum plus travel expenses at the same rate as councillors.

- 3.2 The Council has to have an Independent Person. While the option to pay nothing is available, some form of remuneration is likely to improve the retention of the independent persons and the recruitment of suitable new independent persons at the end of the current terms of office.
- 3.3 The recommended levels of remuneration are the same as those previously paid to the Independent Chairman and Vice-Chairman of the Standards Committee under the previous Code of Conduct arrangements.
- 3.4 Option 2: That the Independent Person and Substitute Independent Person only be paid travel expenses.
- 3.5 This is not the recommended option as while it does remunerate for out of pocket expenses it does not include any recompense for the time component required from the Independent Person.
- 3.6 Option 3: That the Independent Person and Substitute Independent Person not be paid an allowance or travel expenses.
- 3.7 This is not the recommended option as it does not adequately remunerate the Independent Person for their time commitment and out of pocket expenses.
- 3.8 Option 4: To recommend to Council an alternative level of allowance for the Independent Person and Substitute Independent Person.
- 3.9 As the Council only has to be mindful of the views of the East Kent Joint Independent Remuneration Panel, it can determine any level of remuneration that it wishes. However, in recommending an alternative allowance, members' are reminded that the level of remuneration will impact either beneficially or adversely on the recruitment and retention of suitable independent persons

4. Evaluation of Options

- 4.1 The report advises that an allowance be paid, preferably at the levels set out in Option 1. Allowances were paid to independent members of the Standards Committee under the old arrangements in recognition of their responsibilities and their time commitment and it is suggested that this position be continued.

5. Resource Implications

- 5.1 There would be an additional cost of £1,159.00 per annum plus any travel expenses agreed under the Members' Allowances Scheme.

6. Corporate Implications

- 6.1 Comment from the Director of Finance (linked to the MTFP): The Section 151 Officer and the Accountancy Section have been consulted on the report and have no further comments to add. (LS)
- 6.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.

Comment from the Equalities Officer: This report does not specifically highlight any equalities implications however, in discharging their responsibilities members are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>

7. **Appendices**

Appendix 1 – Independent Person Job Description

8. **Background Papers**

Localism Act 2011

Contact Officer: Rebecca Brough, Team Leader – Democratic Support