

Rother District Council

Report to:	Audit and Standards Committee
Date:	26 July 2023
Title:	Independent Person (Standards) – Proposed Extension to Term of Office
Report of:	Lorna Ford, Monitoring Officer
Purpose of Report:	To consider the proposal to extend the current Term of Office for Independent Person (Standards) Rose Durban by a further term of four years to December 2027, the maximum permissible.
Officer Recommendation(s):	Recommendation to COUNCIL: That the Term of Office for Independent Person (Standards) Rose Durban be extended by a further term of four years until December 2027.

Introduction

1. The Localism Act 2011, Chapter 7, Section 28 places a duty on the Council to appoint one or more Independent Persons (IPs) for the following purposes:
 - To give the Council views on any allegations it has decided to investigate, before a decision is reached;
 - At the discretion of the Council, give the Council views on any allegations it has decided to investigate, before a decision is reached
 - At the discretion of a Member, Co-opted Member or Member of a Town or Parish Council, to give the Member views on any allegations relating to the behaviour of that Member. [s28(7)]
2. The IPs also have a statutory role under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 concerning disciplinary procedures that involve one of the three statutory Local Government post-holders; these posts being the Head of Paid Service, Section 151 Officer and Monitoring Officer. A decision to make a binding recommendation on disciplinary action against a statutory post-holder will be taken transparently by full Council, who must consider any advice, views or recommendations from an independent panel, of at least two persons, comprising the IPs appointed under section 28(7) of the Localism Act 2011.

Considerations

3. The Council currently has two IPs, Bob Brown and Rose Durban and the Council has previously agreed that the term of office for IPs be set at four years, renewable once, to a maximum of eight years. Rose Durban was appointed in December 2019, and consequently, her initial term of office will expire in December 2023. (Mr Brown was appointed in July 2021 and is due to expire in July 2025).

4. To avoid unnecessary administrative time and costs in recruiting, advice has confirmed that if all parties are agreeable to an extension to the existing term of office, there is no need to carry out a fresh recruitment exercise.
5. Rose Durban has made a significant contribution to the complaint handling processes and her input into the standards regime at Rother has been invaluable.
6. The Monitoring Officer would very much like to extend the current term of office for Rose Durban for a further period of four years, the maximum period permitted; Rose Durban has indicated her willingness to continue in the role beyond December 2023 for a further four-year period. It is understood by all, that following this extension, there would be no further opportunity for Rose Durban to apply again to be an IP, having served the maximum eight year period.
7. Whilst the initial appointment of IPs must be agreed by Full Council, it is considered in the interests of openness and transparency that Full Council be requested to approve the extension to Rose Durban's term of office. This recommendation will be considered at the Full Council meeting on 18 September 2023, in good time before the expiry of Rose Durban's current term of office.

Conclusion

8. The Audit and Standards Committee are requested to recommend to Council that the Term of Office for Rose Durban be extended for a further period of four years, expiring in December 2027.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	Yes	Access to Information	No
Risk Management	No	Exempt from publication	No

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Appendices:	None.
Relevant Previous Minutes:	AS19/31 – Audit and Standards Recommendation C19/61 – Full Council December 2019
Background Papers:	None.
Reference Documents:	None.