

Report to: REMUNERATION PANEL

Date: 9 November 2012

Report of: Borough Solicitor

Report No:

Contact Officer: Helen Gorman

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Report Title: Independent Persons Fees

Non Confidential

This report does **not** contain information which warrants its consideration in the absence of the press or members of the public

Purpose:

To approve remuneration for Independent Persons under the Code of Conduct for Members.

Recommendations:

The Remuneration Panel is asked to note the Council's intention to appoint 1 Independent Person and is recommended to agree to the payment of £500 per annum to each Independent Person appointed by the Council.

Decision:

Background Doc(s):

(for use on Exec Rep)

Signed:

Leader / Executive Member

Monitoring Officer

Date:

Summary:

*(on its own page
with background docs)*

Background

The Local Government Act 2000 requires all local authorities to set up and maintain an advisory Independent Members Remuneration Panel to review and provide advice on members' allowances. All councils are required to convene their Remuneration Panels and seek their advice before making any changes or amendments to their Allowance Schemes. All councils must have regard to their Panel's recommendations for setting a new or amended Members' Allowance Scheme. This Panel is convened under the Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 1021).

Independent Persons

By virtue of changes brought into effect regarding standards by the Localism Act 2011 the Council is required to appoint Independent Persons.

The Independent Person has 3 roles:

1. S/he must be consulted when a decision has been made that an investigation should take place;
2. may also be consulted by the Council or a member against whom an allegation has been made in relation to any aspect of a complaint, and,
3. must also be invited to attend all meetings of the Hearings Panel.

The Code of Conduct for Members was adopted by the Council on 4 July 2012 and requires at least 1 person to be appointed as an Independent Person. The appointment is made following advertisement of the vacancy by a majority vote at a meeting of the Council.

When the Remuneration Panel met to consider Members Allowances on 16 May 2012 the Panel considered that it had insufficient information to fix the fees for Independent Persons.

Since 4 July 2012 there have been 8 complaints under the Code of Conduct. After the initial assessment carried out by the Monitoring Officer only one complaint has merited investigation. There have been no meetings of the Hearings Panel. There has been no need, to date, for an Independent Person to be consulted.

Information has been obtained from neighbouring authorities on their payment of Independent Persons. Oldham and Rochdale councils have settled upon an annual fee of £500.00 per Independent Person. Blackburn with Darwen Council has agreed to pay an hourly rate of £35.00 for the Independent Person.

The annual fee awarded by Rochdale and Oldham councils is comparable to the fee paid by this council to independent members of the Standards Committee. The difference in duties being that independent members of the Standards Committee were required to attend a fixed number of meetings each year in addition to ad hoc work which they were required to undertake. If an annual fee is paid under this new regime the Independent Person may not be required to undertake any work and still be paid. The benefit to the Council is that the cost of this provision is fixed and not greater than the payments to the independent members of the Standards Committee. The hourly rate paid by Blackburn with Darwen Council is in excess of any comparable allowance which this council currently makes.

The intention is to appoint 1 Independent Person and review the number of times s/he has been consulted.

Recommendations

The Remuneration Panel is asked to note the Council's intention to appoint 1 Independent Person and is recommended to agree to the payment of £500 per annum to each Independent Person appointed by the Council.