

# Standards Committee

22 April 2025



**Reading**  
Borough Council

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<b>Title</b>	Appointments of Independent Person and Independent Chair for Standards Committee
<b>Purpose of the report</b>	To make a decision
<b>Report status</b>	Public report
<b>Report author</b>	Michael Graham, Monitoring Officer
<b>Lead Councillor</b>	Cllr Liz Terry, Leader of the Council
<b>Council priority</b>	Ensure Reading Borough Council is fit for the future
<b>Recommendations</b>	<ol style="list-style-type: none"><li>1. That the Monitoring Officer be authorised to consider arrangements with other Berkshire Councils to establish a Panel and share Independent Persons.</li><li>2. That the Monitoring Officer be authorised to recruit an Independent Chair for Standards Committee.</li><li>3. That the Monitoring Officer report back to Council to make the appointments.</li></ol>

## 1. Executive Summary

- 1.1. The Localism Act 2011 required local authorities to appoint at least one Independent Person with statutory responsibilities to be consulted and to advise on complaints made about Members. The 2011 Act stated that the Independent Person cannot have been a member or officer of the authority during the preceding five years.
- 1.2. Following the resignation of Mr David Comben as Independent Person, the Council are required to recruit and appoint a new Independent Person. The Monitoring Officer has requested authorisation to consider sharing arrangements with other Berkshire unitary authorities of one or more Independent Persons due to the low number of investigations required by the Council.
- 1.3. As per Article 9 of the Constitution, the Standards Committee Terms of Reference states that the Council should appoint an Independent Member as the Chair of Standards Committee.
- 1.4. Following the resignation of Mrs Tina Barnes, the Monitoring Officer is seeking the approval of the Committee to advertise for a new Independent Member as the Chair of Standards Committee.

## 2. Policy Context

- 2.1. Chapter 7 of the Localism Act 2011 ended the statutory standards regime set up by the Local Government Act 2000 and introduced in its place a duty on local authorities to promote and maintain high standards of conduct by Councillors and Co-opted Members, including adopting a local Member code of conduct. The Act also requires local authorities to adopt arrangements to deal with allegations that Members have not complied with their local Code of Conduct, and allowed local authorities to establish a local Standards Committee, and to make Standing Orders relating to aspects of the standards process (Section 31(10)).

- 2.2. The Act states that a relevant authority must have in place (a) arrangements under which allegations can be investigated, and (b) arrangements under which decision on allegations can be made.
- 2.3. These arrangements must include provision for the appointment by the authority of at least one independent person.
- 2.4. On 18 October 2022 the Council agreed amendments to Article 9 of the Council's Constitution. The Councillor's Code of Conduct sits under the remit of the Standards Committee in Article 9. The Terms of Reference set out in 9.2.3 (d) state that the Council will appoint an Independent Member of the Committee to be its Chair.

### **3. The Proposal**

#### **Independent Person**

- 3.1. The Localism Act 2011 requires the local authority to appoint at least one Independent Person (IP).
- 3.2. Arrangements with neighbouring Berkshire local authorities to share an Independent Person/s would allow for a wider pool of IPs so that investigations when required would be dealt with in a timely and efficient manner.
- 3.3. Note that Reading needs an IP infrequently due to the static low number of member complaints received which proceed beyond Stage 0. Other Berkshire Councils with Parish Councils have a more frequent need for IPs.
- 3.4. Applications for Independent Person would be assessed by a Panel of Monitoring Officers for the Council's proposing to enter into the Consortium arrangement.
- 3.5. The proposed delegation is that the Monitoring Officer be authorised to consider arrangements with Berkshire Unitary authorities to share Independent Persons, this will include joint advertising, setting up a MOU about a Consortium arrangement, and agreeing the nominations to each constituent Council.

#### **Independent Chair**

- 3.6. That a new Independent Chair of Standards Committee be recruited as per Article 9 of the Constitution so that Standards Committee meetings are following correct procedure and governance.
- 3.7. It is proposed that the Monitoring Officer and Deputy Monitoring Officer interview potential candidates with the Vice-Chair of Standards Committee.
- 3.8. The appointment of an independent member to chair the Standards Committee is a local arrangement set out in Article 9 of the Constitution. Therefore, the requirement to appoint an independent member could be discontinued or the condition that the independent member must chair the Standards Committee could be relaxed.
- 3.9. The Monitoring Officer will report back to Council to make the final appointments.

### **4. Contribution to Strategic Aims**

- 4.1. The Council Plan has established five priorities for the years 2025/28. These priorities are:
  - Promote more equal communities in Reading
  - Secure Reading's economic and cultural success
  - Deliver a sustainable and healthy environment and reduce our carbon footprint
  - Safeguard and support the health and wellbeing of Reading's adults and children
  - Ensure Reading Borough Council is fit for the future
- 4.2. In delivering these priorities, we will be guided by the following set of principles:
  - Putting residents first

- Building on strong foundations
- Recognising, respecting, and nurturing all our diverse communities
- Involving, collaborating, and empowering residents
- Being proudly ambitious for Reading

4.3. Full details of the Council Plan and the projects which will deliver these priorities are published on the Council's website - [Council plan - Reading Borough Council](#). These priorities and the Council Plan demonstrate how the Council meets its legal obligation to be efficient, effective and economical.

## **5. Environmental and Climate Implications**

5.1. The Council declared a Climate Emergency at its meeting on 26 February 2019 (Minute 48 refers).

5.2. There is nothing within this report which is of relevance for the Council's strategic priority of Climate Change.

## **6. Community Engagement**

6.1. The vacancy for the Independent Person will be publicly advertised on the Council's website in accordance with Section 28 of the Localism Act 2011. Any applications for the position of Independent Person must be submitted to the Monitoring Officers for consideration.

6.2. The vacancy for Independent Chair will also be advertised.

## **7. Equality Implications**

7.1. Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to -

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.2. It is not considered that an Equality Impact Assessment (EIA) is relevant to the decisions arising from this report.

## **8. Other Relevant Considerations**

8.1. There are none.

## **9. Legal Implications**

9.1. The Localism Act 2011 requires the local authority, as part of its arrangements, to appoint at least one independent person (IP), with the following responsibilities:

- The authority must seek the IP's views, and take them into account, before making a decision on an allegation that it has decided to investigate
- The authority may also seek the IP's views in other circumstances
- A Member who is the subject of an allegation may seek the IP's views

9.2. Under Section 28(8), the IP cannot be a person who has been a member or officer of the authority during the five year period before his/her appointment as the independent person.

9.3. The appointment must be made by Council – it cannot be delegated.

9.4. The IP cannot be a relative or close friend of a serving Member or officer of the authority as set out in s28(10) Localism Act 2011.

- 9.5. The vacancy for the IP must be advertised to the public, and the person appointed must have submitted an application to fill the vacancy.
- 9.6. The appointment of an independent member to Chair the Standards Committee is a local arrangement, which is set out in Article 9, 'The Standards Committee' of the Council's Constitution (para 9.2.3 refers)

## **10. Financial Implications**

- 10.1. The Independent Person qualifies for a Special Responsibility Allowance (SRA) at Tier 4 of the Members' Allowances Scheme. The Chair of the Standards Committee receives an SRA at Tier 3, which is payable to Chairs of the Council's Committees. These costs are met from the Members' Allowances Budget.
- 10.2. There are no financial implications arising from this report. Advertisements and the process for appointing Independent Persons and the Independent Member, will be met from current resources.

## **11. Timetable for Implementation**

- 11.1. An Independent Person and Independent Chair would need to be recruited as soon as practicable as these posts are currently vacant.

## **12. Background Papers**

- 12.1. There are none.