

Standards Committee

07 March 2024

Agenda item number 8

Recruitment of Independent Persons

Report by Senior Governance Officer

Purpose

The Standards Committee has responsibility for the recruitment of the Authority's Independent Persons, required under the Localism Act 2011. This report starts off that process with drafts of the recruitment paperwork, including a role description, and the appointment of Members to an interview panel.

Recommendation

To

- i. approve the recruitment paperwork and note the timescale for recruitment, and
 - ii. to appoint a panel of 3 Members for the interview panel for the appointment of an Independent Person(s).
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1. Introduction

- 1.1. The Localism Act 2011 places a duty on the Broads Authority to promote and maintain high standards of conduct for appointed and co-opted members. This includes the requirement to have a Code of Conduct, with which its members must comply. The Act also requires the Authority to have arrangements in place for dealing with complaints of breaches of the Code of Conduct. This must include provision for the appointment of at least one Independent Person (IP). The Authority's [Arrangements for dealing with complaints under the Members Code of Conduct](#) were updated and last adopted in September 2023.
- 1.2. Section 28(7) of the Localism Act sets out the requirement for the Authority to appoint an IP. It states:

(7) Arrangements put in place under subsection (6)(b) by a relevant authority must include provision for the appointment by the authority of at least one independent person –

- a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and
- b) whose views may be sought –
 - i. by the authority in relation to an allegation in circumstances not within paragraph (a)
 - ii. by a member, or co-opted member, of the authority if that person's behaviour is the subject of an allegation, and
 - iii. by a member, or co-opted member, of a parish council if that person's behaviour is the subject of an allegation and the authority is the parish council's principal authority.

1.3. In respect of the recruitment process, the role must be advertised and the appointment must be approved by the Authority itself. Section 8(c) of the Localism Act states:

(8) For the purposes of subsection (7) -.....

(c) a person may not be appointed under the provision required by subsection (7) unless

(i) the vacancy for an independent person has been advertised in such manner as the authority considers is likely to bring it to the attention of the public,

(ii) the person has submitted an application to fill the vacancy to the authority, and

(iii) the person's appointment has been approved by a majority of the members of the authority.

1.4. The Authority currently has two IPs: Christine Lee (appointed 2016 and re-appointed in 2021) and Amanda Orchard (appointed 2021) with both appointments ending July 2024. If either confirm that they are willing to serve another term, we will advise them that the role must be advertised and they should apply in the normal way.

2. Recruitment process

2.1. Previously we have advertised the position on our website and social media accounts, in the Eastern Daily Press, as well as circulating details to the parish councils within our area. It is recommended that we adopt the same approach. Copies of the advertisement, recruitment pack (incl. role description and person specification) and application form are attached as appendices, for Members' information and review.

Members will note that the remuneration is set at £20 per hour. This is an increase to the previous level of £20 per day, which was not considered viable or attractive to potential applicants.

- 2.2. Applicants would be shortlisted for interview based on how they meet the 'person specification' criteria.
- 2.3. It is suggested that the interview panel comprises three members of the Committee, supported by the Monitoring Officer (or their deputy). Ideally this would be the Chair plus two other members. Members are asked to volunteer.
- 2.4. It is hoped that we can complete the advertisement and interviews by April and that the Authority will be asked to approve the appointment of the IP(s) at its meeting on 10 May.
- 2.5. The term of office is currently set as a four-year period. This round of appointees would start their appointment following the annual meeting on 26 July 2024 and finish on the date of the annual meeting of the Broads Authority in July 2028.
- 2.6. A suggested timetable for the recruitment is set out below:

Date	Action
w/c 11 March	Advertise the vacancy
Thursday 28 March	Deadline for applications
w/c 1 April	Shortlisting and invite applicants to interview
w/c 8 April	Interviews
w/c 15 April	Advise successful applicants and await acceptance
Friday 26 April	Report deadline for BA
Friday 10 May	BA approves the appointments

3. Financial implications

- 3.1. It is proposed to advertise the role with an allowance of £20/hour plus travel and subsistence.

4. Risk implications

- 4.1. The Authority has a legal duty to appoint an Independent Person and would be unable to carry out its statutory duties relating to the Code of Conduct without appointing at least one IP. Any subject member who is subject to a Code of Conduct complaint or

investigation has a statutory right to consult with the IP. If that is not possible because there is no IP, the Authority is at risk of challenge.

5. Conclusion

- 5.1. Members are asked to approve the recruitment documents, note the timetable and agree who will form part of the recruitment panel. The Chair will report the panel's recommendations to the Authority meeting on 10 May 2024 for approval.

Author: Sara Utting

Date of report: 13 February 2024

Background papers: none

Appendix 1 – BA Appointment of Independent Persons advertisement

Appendix 2 – BA Independent Persons recruitment pack

Appendix 3 – BA Independent Persons application form

Appendix 1 – BA Appointment of Independent Persons advertisement



Appointment of Independent Person(s)

The Broads Authority is seeking to appoint two Independent Persons, as required by the Localism Act 2011, to help promote and maintain high ethical standards among its Members and Co-opted Members.

We welcome applications from individuals with an understanding of good governance and high standards of personal integrity and impartiality. Experience within local or national government or with legal systems, tribunals or similar quasi-judicial bodies is desirable.

A reasonable allowance and expenses are payable for this role.

Visit www.broads-authority.gov.uk/careers/current-vacancies for role details and an application form. To discuss the role informally, please email committees@broads-authority.gov.uk or phone 01603 756062.

Application closing date: 4pm on 28 March 2024

Interview date: w/c 8 April (exact date will be published once confirmed)

Appendix 2 - BA Independent Persons Recruitment pack

Recruitment of Independent Persons

Information for applicants

March 2024

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www.broads-authority.gov.uk

1. Introduction

The Broads Authority is seeking to appoint two Independent Person. The term of office will be from 29 July 2024 until the Authority's Annual Meeting in July 2028.

The Broads and the Broads Authority

The Norfolk and Suffolk Broads is Britain's largest protected wetland and third largest inland waterway. The Broads is a member of the UK National Parks family, home to some of the rarest plants and animals in the UK, and a popular tourist destination for waterborne and land-based activities.

The Broads Authority was set up in 1989 and is the body responsible for looking after the Broads and promoting the interests of people who live, work and visit here. We are a member of the UK family of National Parks and have the same two statutory purposes relating to conserving and enhancing the natural beauty, wildlife and cultural heritage of the area, and to promoting public understanding and enjoyment of the area's special qualities. We also have a third statutory purpose to look after the waterways and protect the interests of navigation. We are the local planning authority, and a harbour and navigation authority.

Visit <https://www.broads-authority.gov.uk/about-us> for more information about who we are, how we work, our finances and our committees.

The Localism Act

The Localism Act 2011 places a duty on the Broads Authority to promote and maintain high standards of conduct for its members and co-opted members. This includes the requirement to have a Members' Code of Conduct. The Act also requires the Authority to adopt arrangements for dealing with complaints of breaches of the Code of Conduct by its members. This must include provision for the appointment of at least one Independent Person, to be approved by the Authority's 21 members. The Authority is seeking to recruit two Independent Persons

Role of an Independent Person

The requirements of the role include the following:

- To help promote high standards of conduct by the Authority's members and co-opted members, and in particular to uphold the Code of Conduct adopted by the Authority;
- To be consulted by the Authority's Standards Committee (through the Monitoring Officer) before it makes a finding, following investigation, whether a member has failed to comply with the Code of Conduct, or decides on action to be taken in respect of that member;
- To be consulted by the Monitoring Officer in respect of a standards complaint at any other stage;

- To be consulted by an Authority member or co-opted member against whom a complaint has been made;
- To attend training organised by the Monitoring Officer and/or the Standards Committee in relation to the role;
- To work with the Standards Committee on all matters relating to ethical standards and members' conduct.

More details about the role profile are shown in section 2 below.

Essential and desirable qualities

The person specification is set out in section 3 below.

Independence

You cannot be appointed as an Independent Person if you are:

- (a) a Broads Authority member, co-opted member or officer, or have been so at any time within 5 years prior to your prospective appointment; or
- (b) a relative or close friend of a person in category (a) above.

Please contact the Senior Governance Officer if you wish to discuss your eligibility.

As an Independent Person for the Broads Authority, you may also be called upon to assist other local authorities in Norfolk on standards matters.

The Authority reserves the right to remove an Independent Person if his/her independence is in any way compromised, or if he/her brings the Authority's reputation into disrepute.

Allowance and expenses

The postholder is eligible to receive a reasonable allowance and expenses.

Making an application

Please complete the attached application form to apply for this position. We do not require a CV or any other documents. We will acknowledge receipt of all applications.

Applications must be received by 4pm on 28 March 2024.

Please email your application to: Committees@broads-authority.gov.uk

If you wish to submit in writing, please post to: Senior Governance Officer, Broads Authority, Yare House, 62-64 Thorpe Road, Norwich NR1 1RY

Selection process

Shortlisting for interview will be based on how applicants meet the 'person specification' criteria, set out in section 3 below. As such, we strongly recommend that you include evidence on how you consider you meet these criteria.

Shortlisted candidates will be invited to an interview, conducted by a panel of members from the Standards Committee, in consultation with the Monitoring Officer. The interviews will be held on **w/c 8 April 2024** (exact date will be entered once it has been confirmed).

The decision to appoint, following the panel's recommendation, will be made by at the Broads Authority meeting on **10 May 2024**.

2. Role profile

Responsible to: The Monitoring Officer and the Broads Authority

Liaises with: Monitoring Officer, the Standards Committee, members and co-opted members and officers of the Broads Authority

Responsibilities

1. To attend and participate in meetings of committees and any sub-committees or associated meetings in an advisory capacity as required.
2. To provide advice to members and co-opted members about whom a conduct complaint has been received and specifically to discharge the functions detailed in Section 28(7) of the Localism Act 2011.
3. To promote and maintain high standards of conduct by members.
4. To develop and apply knowledge of the Code of Conduct for Members in relation to any and all matters relating to standards, including the assessment and determination of allegations of member misconduct under the Code of Conduct.
5. To analyse and exercise fair and impartial judgement and decision making on conduct issues.
6. To consult, liaise and maintain a professional working relationship with the Authority's Monitoring Officer, his/her appointed deputy and other officers of the council.
7. To provide a view on the governance of the Authority from an external perspective that will better enable the Authority to assess conduct and standards issues.
8. To develop a firm understanding of the standards and wider governance framework within which the Authority operates.
9. To participate in training events relevant to the work of standards within the Authority.
10. To attend meetings of the Standards Committee when required, and other functions in order to raise the profile of standards within the Authority.

11. To participate in any forum established for Independent Persons locally.
12. To undertake such other responsibilities as the Monitoring Officer considers reasonably commensurate with the position.

3. Person specification

Independent Person (Localism Act 2011 – Standards)

Theme	Essential	Desirable
Localism Act 2011 criteria	Applicants must comply with the definition of an Independent Person as detailed in the Localism Act 2011, Part 1, Chapter 7, Section 28 (8) and (10)	n/a
Experience	Over 18 years of age.	Experience of serving in or working for local or national government and/or with legal systems, tribunals or other quasi-judicial bodies.
Education and training	No specific qualifications required.	n/a
Skills and knowledge	<p>Commitment to public service.</p> <p>Ability to:</p> <ul style="list-style-type: none"> • Critically assess written and oral evidence to reach a balanced and objective decision. • Absorb key information from complex reports. • Communicate effectively with a wide range of people, members, and officers. • Demonstrate excellent listening, problem 	<p>Knowledge of how local government operates and an awareness of the role of elected members.</p> <p>General understanding of the principles of the members' code of conduct and standards regime.</p> <p>Knowledge of rules of natural justice.</p> <p>Ability to write reports if necessary.</p>

Theme	Essential	Desirable
	<p>solving and evaluation skills.</p> <ul style="list-style-type: none"> • Demonstrate tact, diplomacy and impartiality. 	
Personal qualities	<p>Personal integrity.</p> <p>Commitment to upholding high standards.</p> <p>Independence of mind, able to form a view on the basis of facts, not to be swayed by others, and to act objectively.</p> <p>Commitment to confidentiality in appropriate circumstances.</p> <p>Able and willing to work with other members of other local authorities, their committees/panels and officers.</p> <p>Reliable and committed.</p>	<p>Ability to exercise persuasion and influence.</p> <p>Ability to think logically, seeking and receiving advice where appropriate.</p>
Working arrangements	<p>Need to attend various meetings with fluctuating frequency and sometimes at short notice.</p> <p>Need to be available for and respond to consultation as and when required, and sometimes at short notice.</p> <p>Need to attend training events and other forums as and when required.</p>	<p>Ability to identify potential conflicts of interest during working role.</p>

Application form – Independent Person

Please complete this form to establish that you are eligible for appointment as an Independent Person to assist the Broads Authority in promoting high standards of conduct among its members and co-opted members.

Personal details	
Full name	
Address	
Telephone number	
Email address	
Brief outline of experience in employment, public and voluntary work, education, and training	

Knowledge, expertise and personal qualities relevant to this role

Declaration: I certify that the details given on this form are, to the best of my knowledge and belief, a true statement and that I meet the necessary criteria to be an Independent Person as detailed in the Localism Act 2011, Part 1, Chapter 7, Section 28 (8).

Signature

Date

Please submit your completed application form by **4pm on 28 March**:

- by post to: Senior Governance Officer, Broads Authority, Yare House, 62-64 Thorpe Road, Norwich NR1 1RY
- by email to: Committees@broads-authority.gov.uk

Data Protection Policy

The information provided on this application form and supporting documents will be handled and stored in accordance with our privacy policy. All records from the recruitment process may be held for 6 months after which they will be destroyed, unless unsuccessful applicants specifically request that this should not be the case. Please see our [privacy statement](#) for more information.

Localism Act 2011

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Localism Act 2011

2011 CHAPTER 20

PART 1

LOCAL GOVERNMENT

CHAPTER 7

STANDARDS

26 Amendments of existing provisions

Schedule 4 (which amends the existing provisions relating to the conduct of local government members and employees in England and makes related provision) has effect.

27 Duty to promote and maintain high standards of conduct

- (1) A relevant authority must promote and maintain high standards of conduct by members and co-opted members of the authority.
- (2) In discharging its duty under subsection (1), a relevant authority must, in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.
- (3) A relevant authority that is a parish council—
 - (a) may comply with subsection (2) by adopting the code adopted under that subsection by its principal authority, where relevant on the basis that references in that code to its principal authority's register are to its register, and
 - (b) may for that purpose assume that its principal authority has complied with section 28(1) and (2).
- (4) In this Chapter “co-opted member”, in relation to a relevant authority, means a person who is not a member of the authority but who—

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- (a) is a member of any committee or sub-committee of the authority, or
 - (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,
- and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.
- (5) A reference in this Chapter to a joint committee or joint sub-committee of a relevant authority is a reference to a joint committee on which the authority is represented or a sub-committee of such a committee.
- (6) In this Chapter “relevant authority” means—
- (a) a county council in England,
 - (b) a district council,
 - (c) a London borough council,
 - (d) a parish council,
 - (e) the Greater London Authority,
 - (f) the Metropolitan Police Authority,
 - (g) the London Fire and Emergency Planning Authority,
 - (h) the Common Council of the City of London in its capacity as a local authority or police authority,
 - (i) the Council of the Isles of Scilly,
 - (j) a fire and rescue authority in England constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
 - (k) a police authority (in England or in Wales) established under section 3 of the Police Act 1996,
 - (l) a joint authority established by Part 4 of the Local Government Act 1985,
 - (m) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009,
 - (n) a combined authority established under section 103 of that Act,
 - (o) the Broads Authority, or
 - (p) a National Park authority in England established under section 63 of the Environment Act 1995.
- (7) Any reference in this Chapter to a member of a relevant authority—
- (a) in the case of a relevant authority to which Part 1A of the Local Government Act 2000 applies, includes a reference to an elected mayor;
 - (b) in the case of the Greater London Authority, is a reference to the Mayor of London or a London Assembly member.
- (8) Functions that are conferred by this Chapter on a relevant authority to which Part 1A of the Local Government Act 2000 applies are not to be the responsibility of an executive of the authority under executive arrangements.
- (9) Functions that are conferred by this Chapter on the Greater London Authority are to be exercisable by the Mayor of London and the London Assembly acting jointly on behalf of the Authority.
- (10) In this Chapter except section 35—
- (a) a reference to a committee or sub-committee of a relevant authority is, where the relevant authority is the Greater London Authority, a reference to—

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- (i) a committee or sub-committee of the London Assembly, or
 - (ii) the standards committee, or a sub-committee of that committee, established under that section,
- (b) a reference to a joint committee on which a relevant authority is represented is, where the relevant authority is the Greater London Authority, a reference to a joint committee on which the Authority, the London Assembly or the Mayor of London is represented,
 - (c) a reference to becoming a member of a relevant authority is, where the relevant authority is the Greater London Authority, a reference to becoming the Mayor of London or a member of the London Assembly, and
 - (d) a reference to a meeting of a relevant authority is, where the relevant authority is the Greater London Authority, a reference to a meeting of the London Assembly;

and in subsection (4)(b) the reference to representing the relevant authority is, where the relevant authority is the Greater London Authority, a reference to representing the Authority, the London Assembly or the Mayor of London.

28 Codes of conduct

- (1) A relevant authority must secure that a code adopted by it under section 27(2) (a “code of conduct”) is, when viewed as a whole, consistent with the following principles—
 - (a) selflessness;
 - (b) integrity;
 - (c) objectivity;
 - (d) accountability;
 - (e) openness;
 - (f) honesty;
 - (g) leadership.
- (2) A relevant authority must secure that its code of conduct includes the provision the authority considers appropriate in respect of the registration in its register, and disclosure, of—
 - (a) pecuniary interests, and
 - (b) interests other than pecuniary interests.
- (3) Sections 29 to 34 do not limit what may be included in a relevant authority’s code of conduct, but nothing in a relevant authority’s code of conduct prejudices the operation of those sections.
- (4) A failure to comply with a relevant authority’s code of conduct is not to be dealt with otherwise than in accordance with arrangements made under subsection (6); in particular, a decision is not invalidated just because something that occurred in the process of making the decision involved a failure to comply with the code.
- (5) A relevant authority may—
 - (a) revise its existing code of conduct, or
 - (b) adopt a code of conduct to replace its existing code of conduct.
- (6) A relevant authority other than a parish council must have in place—
 - (a) arrangements under which allegations can be investigated, and
 - (b) arrangements under which decisions on allegations can be made.

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- (7) Arrangements put in place under subsection (6)(b) by a relevant authority must include provision for the appointment by the authority of at least one independent person—
- (a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and
 - (b) whose views may be sought—
 - (i) by the authority in relation to an allegation in circumstances not within paragraph (a),
 - (ii) by a member, or co-opted member, of the authority if that person's behaviour is the subject of an allegation, and
 - (iii) by a member, or co-opted member, of a parish council if that person's behaviour is the subject of an allegation and the authority is the parish council's principal authority.
- (8) For the purposes of subsection (7)—
- (a) a person is not independent if the person is—
 - (i) a member, co-opted member or officer of the authority,
 - (ii) a member, co-opted member or officer of a parish council of which the authority is the principal authority, or
 - (iii) a relative, or close friend, of a person within sub-paragraph (i) or (ii);
 - (b) a person may not be appointed under the provision required by subsection (7) if at any time during the 5 years ending with the appointment the person was—
 - (i) a member, co-opted member or officer of the authority, or
 - (ii) a member, co-opted member or officer of a parish council of which the authority is the principal authority;
 - (c) a person may not be appointed under the provision required by subsection (7) unless—
 - (i) the vacancy for an independent person has been advertised in such manner as the authority considers is likely to bring it to the attention of the public,
 - (ii) the person has submitted an application to fill the vacancy to the authority, and
 - (iii) the person's appointment has been approved by a majority of the members of the authority;
 - (d) a person appointed under the provision required by subsection (7) does not cease to be independent as a result of being paid any amounts by way of allowances or expenses in connection with performing the duties of the appointment.
- (9) In subsections (6) and (7) "allegation", in relation to a relevant authority, means a written allegation—
- (a) that a member or co-opted member of the authority has failed to comply with the authority's code of conduct, or
 - (b) that a member or co-opted member of a parish council for which the authority is the principal authority has failed to comply with the parish council's code of conduct.
- (10) For the purposes of subsection (8) a person ("R") is a relative of another person if R is—
- (a) the other person's spouse or civil partner,

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- (b) living with the other person as husband and wife or as if they were civil partners,
 - (c) a grandparent of the other person,
 - (d) a lineal descendant of a grandparent of the other person,
 - (e) a parent, sibling or child of a person within paragraph (a) or (b),
 - (f) the spouse or civil partner of a person within paragraph (c), (d) or (e), or
 - (g) living with a person within paragraph (c), (d) or (e) as husband and wife or as if they were civil partners.
- (11) If a relevant authority finds that a member or co-opted member of the authority has failed to comply with its code of conduct (whether or not the finding is made following an investigation under arrangements put in place under subsection (6)) it may have regard to the failure in deciding—
- (a) whether to take action in relation to the member or co-opted member, and
 - (b) what action to take.
- (12) A relevant authority must publicise its adoption, revision or replacement of a code of conduct in such manner as it considers is likely to bring the adoption, revision or replacement of the code of conduct to the attention of persons who live in its area.
- (13) A relevant authority’s function of adopting, revising or replacing a code of conduct may be discharged only by the authority.
- (14) Accordingly—
- (a) in the case of an authority to whom section 101 of the Local Government Act 1972 (arrangements for discharge of functions) applies, the function is not a function to which that section applies;
 - (b) in the case of the Greater London Authority, the function is not a function to which section 35 (delegation of functions by the Greater London Authority) applies.

29 Register of interests

- (1) The monitoring officer of a relevant authority must establish and maintain a register of interests of members and co-opted members of the authority.
- (2) Subject to the provisions of this Chapter, it is for a relevant authority to determine what is to be entered in the authority’s register.
- (3) Nothing in this Chapter requires an entry to be retained in a relevant authority’s register once the person concerned—
 - (a) no longer has the interest, or
 - (b) is (otherwise than temporarily on re-election or re-appointment) neither a member nor a co-opted member of the authority.
- (4) In the case of a relevant authority that is a parish council, references in this Chapter to the authority’s monitoring officer are to the monitoring officer of the parish council’s principal authority.
- (5) The monitoring officer of a relevant authority other than a parish council must secure—
 - (a) that a copy of the authority’s register is available for inspection at a place in the authority’s area at all reasonable hours, and

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- (b) that the register is published on the authority's website.
- (6) The monitoring officer of a relevant authority that is a parish council must—
 - (a) secure that a copy of the parish council's register is available for inspection at a place in the principal authority's area at all reasonable hours,
 - (b) secure that the register is published on the principal authority's website, and
 - (c) provide the parish council with any data it needs to comply with subsection (7).
- (7) A parish council must, if it has a website, secure that its register is published on its website.
- (8) Subsections (5) to (7) are subject to section 32(2).
- (9) In this Chapter "principal authority", in relation to a parish council, means—
 - (a) in the case of a parish council for an area in a district that has a district council, that district council,
 - (b) in the case of a parish council for an area in a London borough, the council of that London borough, and
 - (c) in the case of a parish council for any other area, the county council for the county that includes that area.
- (10) In this Chapter "register", in relation to a relevant authority, means its register under subsection (1).

30 Disclosure of pecuniary interests on taking office

- (1) A member or co-opted member of a relevant authority must, before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the authority, notify the authority's monitoring officer of any disclosable pecuniary interests which the person has at the time when the notification is given.
- (2) Where a person becomes a member or co-opted member of a relevant authority as a result of re-election or re-appointment, subsection (1) applies only as regards disclosable pecuniary interests not entered in the authority's register when the notification is given.
- (3) For the purposes of this Chapter, a pecuniary interest is a "disclosable pecuniary interest" in relation to a person ("M") if it is of a description specified in regulations made by the Secretary of State and either—
 - (a) it is an interest of M's, or
 - (b) it is an interest of—
 - (i) M's spouse or civil partner,
 - (ii) a person with whom M is living as husband and wife, or
 - (iii) a person with whom M is living as if they were civil partners,
 and M is aware that that other person has the interest.
- (4) Where a member or co-opted member of a relevant authority gives a notification for the purposes of subsection (1), the authority's monitoring officer is to cause the interests notified to be entered in the authority's register (whether or not they are disclosable pecuniary interests).

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31 Pecuniary interests in matters considered at meetings or by a single member

- (1) Subsections (2) to (4) apply if a member or co-opted member of a relevant authority—
 - (a) is present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority,
 - (b) has a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting, and
 - (c) is aware that the condition in paragraph (b) is met.
- (2) If the interest is not entered in the authority's register, the member or co-opted member must disclose the interest to the meeting, but this is subject to section 32(3).
- (3) If the interest is not entered in the authority's register and is not the subject of a pending notification, the member or co-opted member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date of the disclosure.
- (4) The member or co-opted member may not—
 - (a) participate, or participate further, in any discussion of the matter at the meeting, or
 - (b) participate in any vote, or further vote, taken on the matter at the meeting, but this is subject to section 33.
- (5) In the case of a relevant authority to which Part 1A of the Local Government Act 2000 applies and which is operating executive arrangements, the reference in subsection (1) (a) to a committee of the authority includes a reference to the authority's executive and a reference to a committee of the executive.
- (6) Subsections (7) and (8) apply if—
 - (a) a function of a relevant authority may be discharged by a member of the authority acting alone,
 - (b) the member has a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function, and
 - (c) the member is aware that the condition in paragraph (b) is met.
- (7) If the interest is not entered in the authority's register and is not the subject of a pending notification, the member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in subsection (6)(b) is met in relation to the matter.
- (8) The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).
- (9) Where a member or co-opted member of a relevant authority gives a notification for the purposes of subsection (3) or (7), the authority's monitoring officer is to cause the interest notified to be entered in the authority's register (whether or not it is a disclosable pecuniary interest).
- (10) Standing orders of a relevant authority may provide for the exclusion of a member or co-opted member of the authority from a meeting while any discussion or vote takes place in which, as a result of the operation of subsection (4), the member or co-opted member may not participate.

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- (11) For the purpose of this section, an interest is “subject to a pending notification” if—
- (a) under this section or section 30, the interest has been notified to a relevant authority’s monitoring officer, but
 - (b) has not been entered in the authority’s register in consequence of that notification.

32 Sensitive interests

- (1) Subsections (2) and (3) apply where—
- (a) a member or co-opted member of a relevant authority has an interest (whether or not a disclosable pecuniary interest), and
 - (b) the nature of the interest is such that the member or co-opted member, and the authority’s monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.
- (2) If the interest is entered in the authority’s register, copies of the register that are made available for inspection, and any published version of the register, must not include details of the interest (but may state that the member or co-opted member has an interest the details of which are withheld under this subsection).
- (3) If section 31(2) applies in relation to the interest, that provision is to be read as requiring the member or co-opted member to disclose not the interest but merely the fact that the member or co-opted member has a disclosable pecuniary interest in the matter concerned.

33 Dispensations from section 31(4)

- (1) A relevant authority may, on a written request made to the proper officer of the authority by a member or co-opted member of the authority, grant a dispensation relieving the member or co-opted member from either or both of the restrictions in section 31(4) in cases described in the dispensation.
- (2) A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority—
- (a) considers that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
 - (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
 - (c) considers that granting the dispensation is in the interests of persons living in the authority’s area,
 - (d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority’s executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority’s executive, or
 - (e) considers that it is otherwise appropriate to grant a dispensation.

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- (3) A dispensation under this section must specify the period for which it has effect, and the period specified may not exceed four years.
- (4) Section 31(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

34 Offences

- (1) A person commits an offence if, without reasonable excuse, the person—
 - (a) fails to comply with an obligation imposed on the person by section 30(1) or 31(2), (3) or (7),
 - (b) participates in any discussion or vote in contravention of section 31(4), or
 - (c) takes any steps in contravention of section 31(8).
- (2) A person commits an offence if under section 30(1) or 31(2), (3) or (7) the person provides information that is false or misleading and the person—
 - (a) knows that the information is false or misleading, or
 - (b) is reckless as to whether the information is true and not misleading.
- (3) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) A court dealing with a person for an offence under this section may (in addition to any other power exercisable in the person's case) by order disqualify the person, for a period not exceeding five years, for being or becoming (by election or otherwise) a member or co-opted member of the relevant authority in question or any other relevant authority.
- (5) A prosecution for an offence under this section is not to be instituted except by or on behalf of the Director of Public Prosecutions.
- (6) Proceedings for an offence under this section may be brought within a period of 12 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge.
- (7) But no such proceedings may be brought more than three years—
 - (a) after the commission of the offence, or
 - (b) in the case of a continuous contravention, after the last date on which the offence was committed.
- (8) A certificate signed by the prosecutor and stating the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact; and a certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.
- (9) The Local Government Act 1972 is amended as follows.
- (10) In section 86(1)(b) (authority to declare vacancy where member becomes disqualified otherwise than in certain cases) after "2000" insert "or section 34 of the Localism Act 2011".
- (11) In section 87(1)(ee) (date of casual vacancies)—
 - (a) after "2000" insert "or section 34 of the Localism Act 2011 or", and
 - (b) after "decision" insert "or order".

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- (12) The Greater London Authority Act 1999 is amended as follows.
- (13) In each of sections 7(b) and 14(b) (Authority to declare vacancy where Assembly member or Mayor becomes disqualified otherwise than in certain cases) after subparagraph (i) insert—
- “(ia) under section 34 of the Localism Act 2011,”.
- (14) In section 9(1)(f) (date of casual vacancies)—
- (a) before “or by virtue of” insert “or section 34 of the Localism Act 2011”, and
 - (b) after “that Act” insert “of 1998 or that section”.

35 Delegation of functions by Greater London Authority

- (1) The Mayor of London and the London Assembly, acting jointly, may arrange for any of the functions conferred on them by or under this Chapter to be exercised on their behalf by—
 - (a) a member of staff of the Greater London Authority, or
 - (b) a committee appointed in accordance with provision made by virtue of this section.
- (2) Standing orders of the Greater London Authority may make provision regulating the exercise of functions by any member of staff of the Authority pursuant to arrangements under subsection (1).
- (3) Standing orders of the Greater London Authority may make provision for the appointment of a committee (“the standards committee”) to exercise functions conferred on the Mayor of London and the London Assembly by or under this Chapter in accordance with arrangements under subsection (1).
- (4) Standing orders of the Greater London Authority may make provision about the membership and procedure of the standards committee.
- (5) The provision that may be made under subsection (4) includes—
 - (a) provision for the standards committee to arrange for the discharge of its functions by a sub-committee of that committee;
 - (b) provision about the membership and procedure of such a sub-committee.
- (6) Subject to subsection (7), the standards committee and any sub-committee of that committee—
 - (a) is not to be treated as a committee or (as the case may be) sub-committee of the London Assembly for the purposes of the Greater London Authority Act 1999, but
 - (b) is a committee or (as the case may be) sub-committee of the Greater London Authority for the purposes of Part 3 of the Local Government Act 1974 (investigations by Commission for Local Administration in England).
- (7) Sections 6(3)(a) (failure to attend meetings) and 73(6) (functions of monitoring officer) of the Greater London Authority Act 1999 apply to the standards committee or any sub-committee of that committee as they apply to a committee of the London Assembly or any sub-committee of such a committee.
- (8) Part 5A of the Local Government Act 1972 (access to meetings and documents) applies to the standards committee or any sub-committee of that committee as if—

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- (a) it were a committee or (as the case may be) a sub-committee of a principal council within the meaning of that Part, and
 - (b) the Greater London Authority were a principal council in relation to that committee or sub-committee.
- (9) Arrangements under this section for the exercise of any function by—
- (a) a member of staff of the Greater London Authority, or
 - (b) the standards committee,
- do not prevent the Mayor of London and the London Assembly from exercising those functions.
- (10) References in this section to the functions of the Mayor of London and the London Assembly conferred by or under this Chapter do not include their functions under this section.
- (11) In this section “member of staff of the Greater London Authority” has the same meaning as in the Greater London Authority Act 1999 (see section 424(1) of that Act).

36 Amendment of section 27 following abolition of police authorities

In section 27(6) (which defines “relevant authority” for the purposes of this Chapter) omit—

- (a) paragraph (f) (the Metropolitan Police Authority), and
- (b) paragraph (k) (police authorities).

37 Transitional provision

- (1) An order under section 240(2) may, in particular, provide for any provision made by or under Part 3 of the Local Government Act 2000 to have effect with modifications in consequence of any partial commencement of any of the amendments to, or repeals of, provisions of that Part made by Schedule 4.
- (2) An order under section 240(2) may, in particular, make provision for an allegation or a case that is being investigated under Part 3 of the Local Government Act 2000 by the Standards Board for England or an ethical standards officer—
- (a) to be referred to an authority of a kind specified in or determined in accordance with the order;
 - (b) to be dealt with in accordance with provision made by the order.
- (3) The provision that may be made by virtue of subsection (2)(b) includes—
- (a) provision corresponding to any provision made by or under Part 3 of the Local Government Act 2000;
 - (b) provision applying any provision made by or under that Part with or without modifications.

Appendix 3 – BA Independent Persons application form



Application form – Independent Person

Please complete this form to establish that you are eligible for appointment as an Independent Person to assist the Broads Authority in promoting high standards of conduct among its members and co-opted members.

Personal details	
Full name	
Address	
Telephone number	
Email address	
Brief outline of experience in employment, public and voluntary work, education and training	

Knowledge, expertise and personal qualities relevant to this role

Declaration: I certify that the details given on this form are, to the best of my knowledge and belief, a true statement and that I meet the necessary criteria to be an Independent Person as detailed in the Localism Act 2011, Part 1, Chapter 7, Section 28 (8).

Signature

Date

Please submit your completed application form by **4pm on 28 March**:

- by post to: Senior Governance Officer, Broads Authority, Yare House, 62-64 Thorpe Road, Norwich NR1 1RY
- by email to: Committees@broads-authority.gov.uk

Data Protection Policy

The information provided on this application form and supporting documents will be handled and stored in accordance with our privacy policy. All records from the recruitment process may be held for 6 months after which they will be destroyed, unless unsuccessful applicants specifically request that this should not be the case. Please see our [privacy statement](#) for more information.