

Report of	Meeting	Date
Director of Governance	Standards Committee	Wednesday, 2 November 2022

Request to Appoint Independent Person

Purpose of the Report

1. The purpose of the report is to seek the approval of Committee to commence processes for the appointment of a second Independent Person.

Recommendations

2. That Committee agree that a second Independent Person be appointed and that accordingly recruitment processes should be commenced.

Reasons for recommendations

3. Mr Barry Parsonage – one of the council's Independent Persons – has recently stepped down from his role.
4. Mr David Haley remains as an Independent Person.
5. It is unwise only to have one Independent Person. Conflicts of interest can occur. Also you may want to have one Independent Person working with the Monitoring Officer on the initial consideration of a complaint whilst a second Independent Person can fulfil the role of attending the hearing before Committee to provide their views.

Other options considered and rejected

6. The legal requirement (as set out in the Localism Act 2011) is simply to have one Independent Person. However, for the reasons set out above it does not make great practical sense just to have one Independent Person.

Corporate priorities

7. The report relates to the following corporate priorities:

An exemplary council	Thriving communities
A fair local economy that works for everyone	Good homes, green spaces, healthy places

Background to the report

8. As a consequence of the Localism Act 2011 (most particularly Section 28) a council was required to appoint at least one independent person. The role of the Independent Person consists of a number of aspects including:-
 - their views must be sought and taken into account before Standards Committee makes any decision on an allegation that has been investigated.
 - their views may be sought by the Monitoring Officer when a complaint first comes in about whether any action is required - the practice in this council has always been to involve Independent Persons at this stage.
 - a member complained of may seek to speak to an Independent Person.
 - in this council we always invite Independent Persons to meetings of the full Committee so that they can contribute towards debates on policy and procedural development

Detailed Considerations

9. The role of an Independent Person is an important one in the standards regime of any council. In general terms their role is to assist in promoting and maintaining high standards of conduct amongst elected members.
10. For a number of years now the council has had two Independent Persons whose assistance it could call upon. One of our Independent Persons has now stood down from their role and for the reasons already set out in this report it is considered essential that we appoint a second Independent Person.
11. Under the provisions of the Localism Act it is specified who cannot be an Independent Person. As would be expected a Member or Officer of the council cannot fulfil this role. Nor can someone fulfil this role if they have been a Member or Officer of the council within the last 5 years.
12. The Localism Act also specifies that the post must be publicly advertised.
13. The intention would be to advertise in the local press and on our website. Applicants would then be shortlisted and then interviewed. Ultimately a report would have to be taken to Full Council seeking approval to appoint the named individual.

Climate change and air quality

14. The work noted in this report does not impact the climate change and sustainability targets of the Council's Green Agenda and all environmental considerations are in place.

Equality and diversity

15. Whilst going through the recruitment process HR policies would be complied with.

Risk

16. If we fail to appoint a second Independent Person that may cause practical difficulties. If our sole Independent person has a conflict of interest we would have difficulty proceeding. Also there would be no cover for ill health.

Comments of the Statutory Finance Officer

17. There are minimal financial implications arising from the report. The council does not pay any salary or allowance for an Independent Person. The council does pay travel expenses and any other reasonable expenses that may arise.

Comments of the Monitoring Officer

18. The legal considerations are set out in the body of the report. The council is obliged to appoint at least one Independent person but it makes great practical sense to have at least a second appointed person.

There are no background papers to this report

There are no Appendices

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