

## **Report to Standards Committee**

**Subject:** Recruitment of Independent Person

**Date:** 23 February 2017

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### **1. Purpose of the Report**

To seek approval to advertise for the position of Independent Person.

### **2. Background**

2.1 The Localism Act requires that the Council's "arrangements" for dealing with allegations of a breach of the Code of Conduct include provision for the appointment of at least one independent person 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. The arrangements approved by the Council include such provision.

2.2 The Independent Person(s) –

- must be consulted by the authority before it makes a finding on an allegation that it has decided to investigate;
- may be consulted by the authority in respect of a standards complaint at any other stage; and
- may be consulted by a member or co-opted member of the Borough Council or of a Parish Council against whom a complaint has been made.

As Members will recall, when introducing the new standards regime, it was felt that this may cause an issue of conflict, as it would be inappropriate for an Independent Person who has been consulted by the member against whom the complaint has been made, and who might as a result be regarded as prejudiced on the matter, to be involved in the determination of that complaint. There may also be circumstances when the Independent Person is unavailable to act, for example due to holiday or illness. These situations could still exist.

2.3 The Act requires the Council to appoint at least one Independent Person, but provides that each Independent Person must be consulted before any decision is taken on a complaint which has been investigated. Accordingly, the Council decided there was little advantage in appointing more than one Independent

Person, provided that a reserve candidate is retained and can be activated at short notice in the event that the Independent Person is no longer able to discharge the function.

- 2.4 In 2012, the Council agreed the appointment of John Baggaley as Independent Person until 10 July 2017. Several attempts have been made to appoint a reserve Independent Person, but these have been unsuccessful. Members will see from another report on the agenda that a recent recruitment exercise has generated no interest.
- 2.5 The Localism Act states that Independent Person must be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all members of the Borough Council (not just of those present and voting).
- 2.6 On 29 July 2015 the Standards Committee agreed to set up an interview panel comprising Councillors Payne, Powell and Ellwood and Gordon Wallis (if available) to interview candidates and make recommendations to appoint to any future vacancies for co-opted members or independent persons. Unfortunately Gordon Wallis was unable to attend the interview panel meetings and is no longer a member of the committee. Consideration therefore needs to be given as to whether the committee is happy to allow the interview panel to proceed with the 3 remaining elected members.

### **3. Proposal**

- 3.1 It is proposed that the Monitoring Officer take steps to recruit to the role of Independent Person to ensure that the Council is not left without an Independent Person from 11 July 2017. In view of the fact that the reserve Independent Person role is still vacant it is proposed that any candidates for the role of Independent Person are considered for the reserve role.
- 3.2 The current cross party Interview Panel has worked well together and it is proposed that Standards Committee agrees that it should continue to interview candidates and make recommendations to appoint to any future vacancies for co-opted members or independent persons.

### **4. Financial Implications**

On appointment, the Independent Person will be entitled to receive the agreed fee, which can be accommodated from existing budgets.

### **5. Appendices**

None.

**6. Background papers**

None identified.

**7. Recommendations**

It is recommended that:

- 7.1 the Monitoring Officer take steps to recruit to the role of Independent Person to ensure that the Council is not left without an Independent Person from 11 July 2017;
- 7.2 any suitable candidates for the role of Independent Person can be considered for the reserve role; and
- 7.3 the Interview Panel comprising Councillor Payne, Powell and Ellwood can continue to interview candidates and make recommendations to appoint to any future vacancies for co-opted members or independent persons.