

## **Report to Council**

**Subject:** Appointment of Independent Person and reserve Independent Person

**Date:** 12 July 2017

**Author:** Director of Organisational Development and Democratic Services

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

To seek approval to appoint John Baggaley as Independent Person and Susan Dewey OBE as reserve 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 Council's approved arrangements 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 in 2012, 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 since 2012 to appoint a reserve Independent Person, but these have been unsuccessful. In February 2017, the Standards Committee agreed 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 July 2017 and that any candidates for the role of Independent Person should be considered for the reserve role.
- 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 The vacancies were advertised on the Council's website. Following application and interview by an interview panel consisting of members of the Standards Committee, the Standards Committee recommends to Council that John Baggaley should be appointed as Independent Person for a further 5 years. The Standards Committee also recommends that Susan Dewey OBE is appointed as reserve Independent Person for 5 years. In view of the fact that this is a new appointment, the Committee also recommends that Ms Dewey's appointment is reviewed by the members of the interview panel after a year.

### **3. Proposal**

It is proposed that:

- John Baggaley is appointed as the Independent Person for a further 5 years;
- Susan Dewey OBE is appointed as the reserve Independent Person for 5 years with a review after a year.

### **4. Resource Implications**

On appointment, the Independent Person and reserve will be entitled to receive fee agreed by Council on 16 November 2016, which can be accommodated from existing budgets.

## **5. Recommendations**

It is recommended that:

- John Baggaley be appointed as the Independent Person for a further 5 years; and
- Susan Dewey OBE be appointed as the reserve Independent Person for 5 years with a review after a year.

## **6. Appendices**

None.