

Report to Standards Committee

Subject: Recruitment of Independent Person and Reserve Independent Person

Date: 10 March 2022

Author: Monitoring Officer

Purpose

To seek approval to commence recruitment to the position of Independent Person and the currently vacant Reserve Independent Person position.

Recommendation

That Members:

- 1) Authorise the Monitoring Officer to commence the recruitment process to the role of Independent Person from 11 July 2022 for 2 years;
- 2) Agree that any suitable candidates for the role of Independent Person can be considered for the reserve role for the same period; and
- 3) Agree that the interview panel of Councillor Boyle, Bosworth and Elliot can continue to interview candidates and make recommendations to appoint to any future vacancies for co-opted members or independent persons.
- 4) Delegate authority to the Monitoring Officer, in consultation with the Chair, to appoint alternative members to the interview panel should appointed members be unavailable.

1 Background

1.1 The Localism Act 2011 (“the Act”) requires that the Council’s arrangements for dealing with allegations of 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 provided by the Council include such provision.

1.2 The Independent Person(s)-

- Must be consulted by the authority before it makes 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.

- 1.3 The Act requires the Council to appoint at least one Independent Person, however given that there may be occasion where the Independent Person is unable to act for example due to holiday, illness or where there may be a conflict of interest, the Council has also previously appointed a reserve Independent Person. In addition, the Committee for Standards in Public Life (CSPL) best practice recommendations recommend an authority should have access to at least two independent persons.
- 1.4 In July 2017 John Baggaley was appointed as the Independent Person for a period of 5 years and Susan Dewey OBE was appointed as Reserve Independent Person for the same period. Members will recall that shortly before the Committee meeting in June 2021 the Reserve Independent Person indicated that she was moving away from the area so would no longer be able to perform the role. In September 2021, this Committee agreed to commence a recruitment process to the role of Reserve Independent Person for a term of 2 and a half years. Unfortunately, the recruitment process for this role has been unsuccessful. There was only one applicant for the role of Reserve Independent Person and the application was withdrawn prior to interview, as such, this position remains vacant.
- 1.5 In light of the fact that the current appointment of the Independent Person is due to end in July 2022 and the Reserve Independent Person position remains vacant, a recruitment exercise is necessary to ensure the Council is not without an Independent Person from July 2022.
- 1.6 The Localism Act requires the Independent Person role to 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. Members will recall in September 2021 that an interview panel previously established consisting of Councillors Boyle, Bosworth and Elliot, was agreed to interview the Reserve Independent Person candidates. Consideration needs to be given as to whether to continue with this panel for the recruitment to the Independent Person and reserve positions.
- 1.7 It should be noted that the CSPL recommend, that to ensure that the Independent Person's judgement and independence is not compromised by a long period of involvement in a single authority, that Independent Persons should be appointed for a 2 year period only. The CSPL recommended that

the Act be amended to restrict appointment terms for Independent Persons to 2 years. This has not yet been done.

2 Proposal

- 2.1 It is proposed that the Committee agree to the commencement of a recruitment exercise to the role of Independent Person. It is proposed that the vacancy of Reserve Independent Person be dealt with through the same process with any candidates for the role of Independent Person also being considered for the reserve role.
- 2.2 It is proposed that any subsequent appointment to the role of Independent Person and reserve by this Council would be for a 2 year period in line with CSPL recommendations. Members will recall that in September 2021 the Committee agreed a term of 2 and a half years for the Reserve Independent Person to align it with the future Independent Person appointment. Given that the recruitment to the reserve role was not successful, it is proposed to standardise the term of the appointments to 2 years.
- 2.2 The current cross party interview panel originally established in June 2021 has worked well, and it is proposed that this continue, however Committee may wish to consider whether other members want to be involved in the interviewing of this, and any future vacancies for co-opted members and independent persons. A delegation to the Monitoring Officer is again requested to ensure that where panel members are unable to attend interview dates that a substitute can be appointed in consultation with the Chair.

3 Alternative Options

- 3.1 Not to recruit an Independent Person and reserve, however, this would be contrary to the requirements of the Act which requires an Independent Person be appointed. It is considered necessary to have a reserve if possible, to ensure complaints can be managed where the Independent Person is unable to act, for example due to a conflict of interest, illness or absence. In addition, the Committee for Standards in Public Life (CSPL) best practice recommendations recommend an authority should have access to at least two independent persons and this is reflected in the Council's Arrangements for Dealing with Complaints.

4 Financial Implications

- 4.1 On appointment, the Independent Person and reserve will be entitled to an allowance, agreed by the Council, which can be met from existing budgets.

5 Legal Implications

5.1 There is a legal requirement to have an Independent person. There is no such requirement in terms of a Reserve Independent Person, however, it is recommended best practice by the CSPL. Recruitment should follow the requirements of the Localism Act.

6 Equalities Implications

6.1 There are no equalities implications arising from this report. Arrangements for application and interview will ensure accessibility.

7 Carbon Reduction/Environmental Sustainability Implications

7.1 There are no carbon reduction/environmental sustainability implications arising from this report.

8 Appendices

8.1 None

9 Background papers

9.1 Report of the Committee on Standards in Public Life
Local Government Ethical Standards - A Review by the Committee on Standards in Public Life.

<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

10 Reasons for Recommendations

10.1 To ensure the Council has an Independent Person and Reserve Independent Person in position from July 2022.

Statutory Officer approval

Approved by the Chief Financial Officer

Date:

Drafted by the Monitoring Officer