

Report to Standards Committee

Subject: Recruitment of Independent Person and Reserve Independent Person

Date: 14 March 2024

Author: Monitoring Officer

Purpose

To seek approval to commence recruitment to the positions of Independent Person and Reserve Independent Person.

Recommendation

That Members:

- 1) Authorise the Monitoring Officer to commence the recruitment process to the role of Independent Person and Reserve Independent Person from 14 July 2024 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 to establish a cross party interview panel to interview candidates and make recommendations to appoint.
- 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 2022 John Baggaley was appointed as the Independent Person for a period of 2 years and Stewart Bembridge was appointed as Reserve Independent Person for the same period. Both have been invaluable in the roles for the last two years.
- 1.5 In light of the fact that the current appointment of the Independent Person and reserve is due to end in July 2024, a recruitment exercise is necessary to ensure the Council is not without an Independent Person.
- 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. There is a need to agree an interview panel to carry out the interview process and make recommendations on appointment to this Committee and ultimately Council.
- 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.

2 Proposal

- 2.1 It is proposed that the Committee agree to the commencement of a recruitment exercise to the role of Independent Person and reserve. It is proposed that the 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. The role will be advertised in accordance with the Localism Act and promoted through the Council's website and other suitable publications, as well as being promoted to

community groups and other stakeholders.

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.

2.2 It is proposed that a cross party interview panel be established to carry out the interview process of applicants shortlisted by the Monitoring Officer in consultation with the Chair of Standards Committee. The panel will make recommendations on successful candidates to this committee. Authority is sought for the Monitoring Officer to arrange alternative interview panel members if a panel member is unable to attend the interviews.

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 2024.

Statutory Officer approval

Approved by the Chief Financial Officer

Date:

Drafted by the Monitoring Officer