

<b>SUBJECT:</b>	Appointment of Independent Persons
<b>REPORT OF:</b>	Monitoring Officer
<b>RESPONSIBLE OFFICER</b>	Joanna Swift - Head of Legal and Democratic Services
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<b>WARD/S AFFECTED</b>	None

### 1. Purpose of Report

This report asks Council to agree a recommendation from the Appointment of External Members Panel on 6 September to appoint 2 Independent Persons under section 28 of the Localism Act 2011. This must be approved by a majority of members of the Council.

### RECOMMENDATION

That Full Council agree to appoint Elizabeth Jones and to re-appoint Caroline Langley as Independent Persons for a term of 5 years

### 2. Reasons for Recommendations

The appointment of two Independent Persons is an agreed part of the Council's standards framework for dealing with complaints and provides resilience in case of illness or other absence. There is also a new mandatory requirement introduced by the Employment Procedure Amendment Regulations 2015 to invite at least two Independent Persons to join a panel set up to consider the dismissal of statutory officers.

### 3. Content of Report

- 3.1 Under the Localism Act 2011 an Independent Person must be appointed through a process of public advertisement, submission of an application and approval by a positive vote of a majority of all members of the Council – i.e. by full Council. To be considered 'independent' an applicant must not be, or have been within the previous 5 years, an elected or co-opted member or an officer of the District Council or any Parish or Town Council in the area, or of any committee or sub-committee of the District Council or any Parish/Town Council, or, be a relative or close friend of a current elected or co-opted member or an officer of the District Council or any Parish/town Council in the area
- 3.2 Following the completion of the 5 years terms of the Independent Persons appointed in 2012 the Audit and Standards Committee agreed that a recruitment process be undertaken at their meeting in June.
- 3.3 The government has introduced a new mandatory requirement for Independent Persons to be involved in the dismissal procedure for statutory officers. The Council's Employment Procedure Rules have been updated to reflect this requirement and Audit and Standards Committee agreed a revised role description which would apply to the new appointments.

- 3.4 The role was duly advertised in the local press and on the Council's website. Three applications were received and the External Appointments Panel interviewed the applicants on 6 September. The Panel was satisfied that Elizabeth Jones and Caroline Langley had the necessary skills and competencies required for the role.
- 3.5 It was agreed by Council in 2012 that Independent Person would be appointed for a term of 5 years and paid an allowance of £200, together with re-imbursement of any travelling expenses whilst exercising their role,

#### **4. Consultation**

Not applicable.

#### **5. Options**

Council is asked to approve the appointments as recommended by the Panel.

#### **6. Corporate Implications**

Financial – As set out in the report

Legal – As set out in the report

Risks issues – The Council would be in breach of its statutory duty if it had no Independent Person available to advise on members complaints and having 2 Independent Persons provides resilience in case of absence or conflicts of interest. It is also now a requirement under the Employment Procedure Amendment Regulations 2015 for the Council to invite at least two Independent Persons to take part in the panel considering the dismissal of statutory officers.

Equalities - The Council's policies on equalities are followed in the recruitment process for new Independent Persons.

#### **7. Links to Council Policy Objectives**

Whilst there are no direct links to the Council's main policy objectives, it has a duty under the Localism Act to have arrangements in place to deal with allegations that members may have breached the code of conduct. The effective use of Independent Persons as part of this process is a matter of good governance and is important in preserving the confidence of local communities.

<b>Background Papers:</b>	None except those referred to in the report.
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