

SUBJECT:	Appointment of Independent Person
REPORT OF:	Head of Legal and Democratic Services

1. Purpose of Report

To consider arrangements for the appointment of an Independent Person following the resignation of one of the current post holders.

2. Links to Council Policy Objectives

Whilst there are no direct links to the Council's main policy objectives, it is 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.

3. Background

- 3.1 The committee will be aware that under the Localism Act 2011 the Council is required to appoint at least one Independent Person (IP) whose views must be taken into account before a Hearing Sub-Committee makes a decision following the investigation of complaint about a member. The complaints procedure adopted by the Council also provides for the monitoring officer (MO) to consult an IP (as well as the Chairman of this committee) before deciding whether a complaint should be referred for investigation and in respect of dispensation applications
- 3.2 The Council on 24 July 2012 appointed Mrs Jitinderpal Nandhra and Mr Trevor Dobson as IPs for a 5 year term. Unfortunately, due to a change of personal circumstances Mrs Nandhra has tendered her resignation with effect from 31 December 2014. The second IP Mr Dobson continues to be available to advise the Council. However, the need to appoint two IPs in case of absence or conflicts of interest was acknowledged by Council in 2012 and is also considered to be best practise.
- 3.3 An IP 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. A person is considered not to be 'independent' if -
- in the previous 5 years they have been:
 - an elected or co-opted member or officer of the District Council or any Parish in the area, or
 - an elected or co-opted member of any committee or sub-committee of the District Council or any Parish in the area, or,
 - they are a relative or close friend of a current elected or co-opted member or officer of the District Council or any Parish in the area, or any elected or co-opted members of any committee or sub-committee of such a Council.
- 3.4 Whilst fortunately the Council has not received a large number of complaints since the introduction of the current standards framework the role of the IP has proved valuable in providing a dispassionate, external view on both the member complaints and dispensation applications that have been received. A job description and person specification for this

role was agreed by the Council in 2012 and is attached at Appendix 1. It is considered this remains relevant and appropriate for use in seeking applicants to fill this vacancy.

- 3.5 If the Committee agrees to proceed an advert would be placed in local papers inviting applications and also published on the Council's website, together with information about the standards framework, guidance on the statutory criteria and an application form. It is recommended that applicants are interviewed by a panel comprising the Director of Resources, MO and Chairman of this Committee with a view to the Director of Resources recommending an appointment to Full Council on 21 April 2015. The Council agreed in 2012 that IPs would be appointed for a term of 5 years and paid a small allowance of £200, together with re-imbursment of any travelling expenses incurred whilst exercising their role.

4. Proposal/Discussion

- 4.1 The Committee is invited to consider whether to fill the vacancy that has arisen for an IP to advise on member complaints and applications for dispensations. The MO considers that the Council's decision in 2012 to appoint two IPs remains appropriate and also commends the job description and person specification attached at Appendix 1 for approval.

5. Resources, Risk and Other 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 IPs available to advise on members complaints

Equalities - The Council's policies on equalities will be followed in the recruitment process for a new IP

6. Recommendations

1. That the Committee agree to advertise for an Independent Person to fill the current vacancy
2. That the job description and person specification set out at Appendix 1 are approved for recruitment purposes
3. That the Director of Resources in consultation with Chairman of Audit Committee and the Monitoring Officer be authorised to make a recommendation for appointment to Full Council following receipt of applications and interviews.

Portfolio Holder	N/A
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Background Papers:	None except those referred to in the report