

<b>SUBJECT:</b>	Appointment of Independent Person
<b>REPORT OF:</b>	Monitoring Officer
<b>RESPONSIBLE OFFICER</b>	Joanna Swift
<b>REPORT AUTHOR</b>	Joanna Swift
<b>WARD/S AFFECTED</b>	None

## 1. Purpose of Report

This report considers arrangements for re-advertising the vacancy for an Independent Person with an amended role description reflecting new requirements to involve Independent Persons in dismissal procedures for statutory officers.

## RECOMMENDATIONS

- That the Committee agree to re-advertise for an Independent Person to fill the current vacancy
- That the role description and person specification set out at Appendix 1 are approved for recruitment purposes
- 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

## 2. Reasons for Recommendations

Whilst the number of complaints received by the Council remains low, the appointment of two Independent Persons is an agreed part of the Council's standards framework 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. The role description for Independent Persons therefore needs to incorporate this new requirement.

## 3. Content of Report

- 3.1 The Committee will be aware that under the Localism Act 2011 the Council is required to appoint at least one Independent Person whose views must be taken into account before a decision is taken following the investigation of complaint about a member. The Council's complaints procedure also provides for the monitoring officer to consult an Independent Person (as well as the Chairman of this committee) before deciding whether a complaint should be referred for investigation and in respect of dispensation applications. Accordingly the Council appointed two Independent Persons in July 2012 for 5 year terms.

- 3.2 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. 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.
- 3.3 As reported to the Committee last year, due to a change of personal circumstances one of the Council's Independent Persons tendered their resignation and the Committee authorised the monitoring officer to advertise for a replacement. Unfortunately no applications were forthcoming in response to this recruitment exercise or following approaches to other Independent Persons at neighbouring authorities.
- 3.4 Fortunately the Council has not received a large number of complaints over the past year. However, the absence or unavailability of a single Independent Person can cause delay in dealing with complaints and the monitoring officer recommends that the vacancy is re-advertise to ensure adequate resilience in dealing with complaints and to comply with the Council's original intention for the standards framework.
- 3.5 Furthermore since the vacancy was last advertised the government has introduced new mandatory requirements for at least two Independent Persons to be involved in the dismissal procedure for statutory officers. This requires an amendment to the role description approved by the Committee last year. A revised role description and person specification is therefore attached at Appendix 1.
- 3.6 As previously, it is recommended that applicants are interviewed by a panel comprising the Director of Resources, monitoring officer and Chairman of this Committee with a view to the Director of Resources recommending an appointment to next Full Council. The Council agreed in 2012 that Independent Persons would be appointed for a term of 5 years and paid a small allowance of £200, together with reimbursement of any travelling expenses incurred whilst exercising their role.

#### **4. Consultation**

Not applicable.

## 5. Options

The Committee has the option of not filling the vacancy at this time but that would not ensure resilience in dealing with complaints or enable the Council to meet the new requirements of the Employment Procedure Amendment Regulations 2015.

## 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

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

## 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. 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.

## 8. Next Steps

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.

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