

<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 updates the Committee on the outcome of re-advertising the vacancy for an Independent Person.

### RECOMMENDATION

That the Committee recommend Full Council to agree the appointment of Mr Gareth Hopkins as the Council's second Independent Person 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 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. Mr Hopkins applied for this role following public advertisement and meets the relevant eligibility criteria and person specification.

### 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 The Committee agreed at their last meeting to re-advertise for an Independent Person to fill the current vacancy and to update the role description to include the new mandatory requirement for Independent Persons to be involved in the dismissal procedure for statutory officers.
- 3.3 The role was duly advertised in the local press and on the Council's website. One application has been received from Mr Gareth Hopkins and a copy of his application form and references are attached as a confidential appendix. The monitoring officer has interviewed Mr Hopkins

and is satisfied that he meets the statutory criteria referred to in 3.1 above and as a magistrate and former solicitor, that he also has the necessary skills and competencies required for the role.

- 3.4 Members are therefore invited to recommend that Full Council appoint Mr Hopkins as the Council’s second Independent Person. It was agreed by the Council in 2012 that Independent Persons would be appointed for a term of 5 years and paid an allowance of £200, together with re-imburement 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 ta least two Independent Persons to take part in the panel considering the dismissal of statutory officers.

**8. Next Steps**

Following appointment by Full Council appropriate training will be provided.

<b>Background Papers:</b>	None except those referred to in the report. The Appendix containing the application form and references is exempt under paragraphs 1 and 2 of Schedule 12A as it contains information about an individual and information that would reveal the identity of an individual
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