

Appointment of Independent Persons

It is recommended that:

- (1) the advertisement for and appointment of two Independent Persons is delegated to the Monitoring Officer in consultation with the Chairman of the Standards Committee,
- (2) each Independent Person is to be awarded an annual allowance of £200 and an allowance of £25 plus expenses for each meeting of any Committee, Sub-Committee or Panel which he or she is required to attend.

Under section 28 of the Localism Act 2011 the Council will be required to appoint one or more Independent Persons. They are to be appointed by advertisement and application and there are very strict rules preventing a person from being appointed if they are a friend or relative of any member or officer of the authority or of any Parish Council within the District Council's area. They can they be paid a fee and/or expenses and the Act provides that a person does not cease to be independent merely because such payments are made.

The Independent Person:

- must be consulted and his or her views taken into account before the District Council takes a decision on any allegation it has decided to investigate
- may be consulted by the District Council in respect of a standards complaint at any other stage
- may be consulted by a District or Parish councillor against whom an allegation has been made.

Legal advice obtained by ACSeS has confirmed that a person cannot be appointed as an Independent Person if he or she has within the past 5 years been a co-opted voting member of a Committee of the Council. Unfortunately this means that all existing independent co-opted members of the Standards Committee are ineligible to be appointed as Independent Persons.

It is advisable that two Independent Persons are appointed, so that in any matter one can act as consultee for the Council and the other can act as consultee for the member(s) against whom a complaint has been made, in order to avoid any conflict of interest.