

Standards Committee 5 June 2018

## **INDEPENDENT PERSON APPOINTMENTS**

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Wards affected: All

### **PROPOSED DECISION and RECOMMENDATION TO FULL COUNCIL**

- i) To note progress with regard to recruitment;
- ii) To recommend to full Council
  - a. that Mr Christopher Morley be appointed to the role of Independent Person under the Localism Act 2011 until 12 May 2023
  - b. that the term of office of Mr Gilbert Houalla as Independent Person under the Localism Act 2011 be re-confirmed until 12 May 2023.

### **Reason for Decision**

The recent death of one of the Independent Persons in December 2017 created a vacancy which needs to be filled.

### **Corporate Implications**

1. The Localism Act 2011 created a revised method of addressing standards and ethics issues in local authorities. Wycombe District Council has been operating under this regime since it was introduced in July 2012. Section 27 places a duty on the Council to promote and maintain high standards of conduct by members and co-opted members of the Council. Section 28(7) places a duty on the Council to appoint at least one "Independent Person" in connection with its standards duties. In accordance with widespread practice, WDC has decided to have two Independent Persons.
2. Following a transitional period during which two of the former "Independent Members" filled the roles of "Independent Person" ("IP") for the first year of the new regime (as the law permitted), Mr Gilbert Houalla and Mr Michael Pearce were appointed as the Council's two new IPs on 13th May 2013. Mr Pearce's death created a vacancy.
3. IPs need no specific qualifications but the attributes and experience they are expected to possess have been set out in an application pack, together with the grounds which would disqualify an applicant from being appointed. Appointments must be approved by a majority of members of the Council, which means full Council must make the final decision.
4. Many Councils pay a modest allowance to their IPs; WDC provides an annual allowance of £211.10 which is uplifted to reflect annual inflation, with no separate travel allowance.

## **Executive Summary**

5. Reports were presented to Standards Committee on 9 January and 20 March, outlining recruitment steps to appoint a second Independent Person; this report provides a further update and recommends a candidate for approval by full Council for a period of 5 years, and re-confirmation of the appointment of the existing Independent Person for the same period.

## **Sustainable Community Strategy/Council Priorities - Implications**

6. Having both Independent Person roles filled supports the Council's priorities in its Corporate Plan by helping to ensure that its business is conducted in accordance with the law and proper standards, and principles of good governance.

## **Background and Issues**

7. WDC has decided to have two Independent Persons (IPs), and Mr Gilbert Houalla and Mr Michael Pearce were appointed as the Council's two new IPs on 13th May 2013. The death of Mr Pearce created a vacancy in one of the roles.
8. The legislation requires a minimum of one Independent Person to be appointed, but many Councils choose to appoint at least two, in order to provide some resilience, prevent the whole of the necessary support falling to a single person, and allow for the various facets of the role, as outlined below, to be covered.
9. The role of the IPs was initially twofold, i.e. to provide a view to the Council (in practice to the Monitoring Officer) which must be taken into account before a decision is made on whether or not to formally investigate a complaint that a member has breached the Code of Conduct or in more general circumstances in relation to an allegation, and for members who are the subject of a complaint to be able to contact an IP in relation to an allegation. Since the role was initially enacted, the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 came into force on 11 May 2015, providing that if a Council was considering dismissal of one or more of its statutory officers (Head of Paid Service, Chief Financial Officer, or Monitoring Officer) it would have to set up a panel and at least two IPs would need to be members of such panel. So far there will have been few if any cases across the country where this third aspect of the role will have been required.
10. As approved by Committee on 9 January 2018, the vacancy was advertised through the recruitment pack being placed on the Council's website (a newspaper advertisement is not a legal obligation so was not placed in accordance with debate at Committee on 9 January) and although two potential candidates enquired about the role, unfortunately no applications were received at that point by the closing date. Subsequently the Monitoring Officer contacted colleagues across Buckinghamshire to enquire if they may be aware of any suitable candidates who may be interested in the role with WDC. Ultimately two applicants applied, so there was no need to further advertise the role. Both candidates completed application forms and have been interviewed by an interview panel comprised of the Monitoring Officer and Chairman of the Standards Committee. Both applicants have had very extensive experience in the relevant categories, both performed well in interview and both were considered to be appointable. However, on balance it was agreed by the interview panel that one of the candidates met the criteria marginally more closely. Two referees have

provided very positive references. Accordingly, this candidate is recommended to be approved as an Independent Person for WDC until 12 May 2023.

11. In 2013, no defined term was placed by WDC upon the appointments so they were indefinite; there is no legal obligation to have a fixed term. Some Councils chose to appoint for fixed terms of 5 years to try to minimise any risk that over time it could be perceived that IPs' impartiality might be compromised by an ongoing working relationship with their appointing Council, but some of these have subsequently found little option on expiry of the initial 5 years than to re-appoint the same people due to difficulties in finding further candidates. The 5<sup>th</sup> anniversary of Mr Houalla's appointment occurred in May 2018. As he has indicated his willingness to continue his term for a further 5 years, it is also recommended that full Council re-confirm approval of Mr Houalla's appointment until at least 12 May 2023.

### **Options**

12. The Council needs to have at least two Independent Persons in the longer term, so the vacancy needs to be filled. Another candidate could be selected but as set out above the interview panel's view is that the recommended candidate is preferred.

### **Next Steps**

13. Following recommendation from Standards Committee, full Council will be invited to confirm the appointments at its next meeting on 16 July.

### **Background Papers**

None.