

Report for:	Shadow Authority
Meeting Date:	27th February 2020

Title of Report:	Appointment of Independent Persons
Shadow Portfolio Holder	Councillor Martin Tett
Responsible Officer	Sarah Ashmead, Deputy Chief Executive and Monitoring Officer
Report Author Officer Contact:	Mathew Bloxham, 01494 732143, Mathew.bloxham@chilternandsouthbucks.gov.uk
Recommendations:	<p>That the following individuals be appointed to serve as Independent Persons for Buckinghamshire Council with effect from 1 April 2020 in accordance with section 28 of the Localism Act 2011 and that each Independent Person receives an annual payment of £250:</p> <ul style="list-style-type: none"> • Stephanie Boyce • Trevor Dobson • Sarah Austin
Corporate Implications:	<p>Legal: The Council is required under section 28 of the Localism Act 2011 to appoint at least one independent person whose views must be sought and taken into account before a decision is made on an allegation of misconduct that has been subject to an investigation. The Act also provides that the views of the independent person may be sought by a member who is the subject of an allegation. Under the Council's proposed complaints procedure independent persons are asked for their views before a decision is taken on whether to investigate a complaint of misconduct.</p> <p>There is also a mandatory requirement introduced under 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.</p> <p>Financial: It is proposed that each of the Independent Persons appointed will receive a payment of £250 per annum.</p>
Options:	The Shadow Authority can choose to appoint fewer than three independent persons. The minimum number of Independent Persons required under the Localism Act is one. However, to allow for absences, potential conflicts of interest and separation of the roles between advising subject members and the monitoring officer, a minimum of two independent persons is considered good practise. In any event under the employment Procedure Amendment Regulations 2015 a minimum of two independent persons are required to form a panel to consider dismissal of statutory officers. Three is recommended to aid

	resilience; provide cover in the case of conflicts of interest or absence; provide a wider range of external views and skills/knowledge. The Shadow Authority can choose to pay a different level of annual payment. The recommended £250 annual payment can be met within existing budgets; takes into account existing payments and anticipated workload.
Reason:	<p>There is a statutory requirement under the Localism Act 2011 to appoint independent persons as part of the Council's arrangements for dealing with allegations of misconduct and invite at least two independent persons to form a panel under the Employment Procedure Amendments Regulations 2015. The Council's proposed complaints procedure also provides for Independent Persons to be consulted on allegations of misconduct.</p> <p>It is a requirement that the appointments must be approved by a majority of the members of the authority.</p>

1. Purpose of Report

- 1.1 Following the parliamentary approval of the Buckinghamshire (Structural Changes) Order 2019, Buckinghamshire Council will come into effect on 1 April 2020. Section 28(7) of the Localism Act 2011 requires a relevant authority to put in place arrangements under which any allegations of misconduct can be investigated and decisions made on the allegations. These arrangements must include provision for the appointment of at least one independent person.
- 1.2 The duties of an independent person under the Localism Act include:
- Their views must be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate.
 - Their views may be sought by a member, or co-opted member, of the authority or parish council, if that person's behaviour is the subject of an allegation.
 - Furthermore, under the Employment Procedure Amendments Regulations 2015 at least two independent persons must be invited to join the panel set up to consider the dismissal of the Councils statutory officers, namely the Head of Paid Service, Chief Finance Officer and Monitoring Officer.

2 Content of Report

- 2.1 As referred to above there is a requirement for Buckinghamshire Council to appoint independent persons with effect from 1 April 2020.
- 2.2 The Localism Act 2011 includes a requirement to advertise the role in such a manner likely to bring it to the attention of the public. An advert, application form and job

description was advertised on the Shadow Authority website from 7 January to 26 January 2020. An advert was also displayed in the reception areas of each of the respective council offices and application packs made available on request. Seven completed application forms were received before the deadline.

- 2.3 A shortlisting process was undertaken by the Monitoring Officer, in consultation with the Leader of the Shadow Executive, and references have been followed up. Based on experience, skills and qualifications, three individuals are recommended for appointment as follows:
- Stephanie Boyce – Deputy Vice-President of the Law Society, a local solicitor and currently an Independent Person for BCC
 - Trevor Dobson – retired magistrate and currently an Independent Person for South Bucks DC
 - Sarah Austin – a practicing local solicitor.
- 2.4 More than one independent person must be appointed to ensure compliance with the Employment Procedure Amendments Regulations 2015 and in relation to standards matters this is required to ensure appropriate cover should there be any prejudicial interest or other preventative factor preventing an independent person being utilised on a certain issue. In view of the large number of council members within Buckinghamshire who will be covered by Buckinghamshire Council's procedure for dealing with any allegation of misconduct it is recommended three independent persons be appointed to provide the necessary resilience and sufficient capacity.
- 2.5 The Committee for Standards in Public Life recommends independent persons be appointed for a two-year period for a maximum of two terms. It is therefore recommended that in this instance independent persons be appointed on a four-year basis, so as to avoid a further recruitment process early in the first term of Buckinghamshire Council.

3 Financial Implications

- 3.1 It is recommended that a payment be made to remunerate the independent persons for their work. £200 per annum is the most common level of payment made among the existing councils in Buckinghamshire. The proposed modest increase in payment takes into account expected workload and reflects that there will be three Independent Persons rather than the current 10.
- 3.2 The total cost of the recommended £250 per annum to the proposed three independent persons is £750 which can be met from existing budgets.

4 Legal Implications

- 4.1 The recommendations in this report meet the requirements of the Localism Act 2011 and the Employment Procedure Amendment Regulations 2015 as summarised in paragraph 1.2.



5 Other Key Risks

- 5.1 There are no specific key risks. The Council must appoint independent persons to conform to legislative requirements. Appointments must be approved by a majority of the members of the authority. When considering the recommendations, the Shadow Authority should have regard to budget implications that will arise from the agreed rate of payment for independent persons as detailed in section 3 of this report.

6 Dependencies

- 6.1 There are no other dependencies.

7 Consultation

- 7.1 The appointment of independent persons has been advertised publicly and the recommended individuals have each submitted an application and in doing so confirmed that they are eligible to become an independent person.

8 Communications Plan

- 8.1 A communications plan is not required. Once appointed, the independent persons will be notified and informed of all Standards and General Purposes Committee meeting dates.

9 Equalities Implications

- 9.1 There are no equalities implications associated with this report.

Data Implications

- 9.2 There are no specific data implications arising from this report.

10 Next Steps

- 10.1 Following the formal appointment of independent persons, they will then be available to provide independent advice and input into standards related issues for Buckinghamshire Council.
- 10.2 Once appointed, appropriate training will be made available for the Independent Persons. They will also be invited to attend the Council's Standards and General Purposes Committee as non-voting members.

Background Papers	None, other than those referred to in this report.
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