

## Appointment of Independent Persons

Standards Appointment Sub-Committee, 8 December 2014

**Committee:** STANDARDS APPOINTMENT SUB-COMMITTEE

**Agenda Item**

**3**

**Date:** 8 December 2014

**Title:** APPOINTMENT OF INDEPENDENT PERSONS

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Item for decision

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### Summary

1. This report is to inform members of the requirements relating to the appointment of independent persons under the Localism Act 2011 and to seek members' views as to how best to recruit satisfactory candidates.

### Recommendations

2. That the group agree:-
  - a. a person specification
  - b. an advertising/recruitment strategy
  - c. a selection process

### Financial Implications

3. None arising from this report unless members decide to advertise in the local press in which case advertising fees will be incurred.

### Background Papers (attached)

4. Job description/person specification for independent members of the current standards committee
5. Application form for independent members of the current standards committee
6. Interview questions for independent members of the current standards committee

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### Impact

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Communication/Consultation	None
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	The appointment of at least one independent person is essential to enable the council to fulfil its statutory functions with regard to standards
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

### Situation

8. Under the Localism Act 2011 local authorities are required to have in place arrangements to promote and maintain high standards of conduct on the part of their members. As part of this authorities are required to have a code of conduct and have in place arrangements whereby complaints of breaches of the Code of Conduct may be investigated. Authorities are required to appoint at least 1 independent person whose views must be sought and taken into account before reaching a decision on an allegation of a breach of the Code of Conduct which it has decided to investigate. The Council may seek the views of an independent person in other circumstances. The independent person must also be available for consultation by members of the district council and parish councils within the district who find themselves the subject of a complaint.
9. Although the statutory requirement is for a minimum of 1 independent person this Council has taken a view that there are potential conflicts of interest in the different roles to be performed by the independent person and has appointed 3. The legislation does not provide for independent persons to be members of the Standards Committee but of appointed to the Committee they may not be voting members.
10. As committee members the role of independent persons within this Council is enhanced from the statutory minimum in that they will be able to attend all meetings of the committee and express their views even though they cannot vote. The procedure for dealing with complaints also enhances the role of the independent persons as under our procedure the Monitoring Officer is to

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consult with an independent person before deciding whether an allegation of a breach of the Code of Conduct should be investigated.

11. The Act does not contain any criteria as to who may be appointed but does contain disqualifications. The following are not eligible to be appointed:-
- a. A member, co-opted member (defined as someone who is not a member of the council but is a member of a committee with voting rights) or officer of the council
  - b. A member, co-opted member or officer of any town or parish council within the district
  - c. A relative or close friend of someone who falls within paragraphs a. or b. above
  - d. Someone who within the 5 years preceding the date of appointment has fallen within paragraphs a. or b. above
12. One of the independent members of the Standards Committee has recently resigned having moved to another part of the country. Another has indicated that he will not be seeking re-appointment after the May 2015 election. The Council has therefore decided to recruit 2 additional independent persons now with a view to them gaining some experience before May 2015

## Risk Analysis

13.

Risk	Likelihood	Impact	Mitigating actions
The council does not have an independent person to meet its duties under the Localism Act 2011.	1, One of the independent persons has indicated she will accept reappointment	3, the council would suffer reputational damage if it was unable to deal with allegations of misconduct by members.	Recruit additional independent persons as soon as possible

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.