

**Committee:** Council

**Date:**

**Title:** Appointment of an Independent Person

Tuesday, 10  
October 2023

**Lead Member:** Cllr Edward Oliver, Chair of the Audit and Standards Committee

**Report Author:** Richard Auty, Monitoring Officer  
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## Summary

1. This report recommends that the council appoints a person to the position of Independent Person under s28(7) of the Localism Act 2011 to fulfil the various roles that can be required in the event of Code of Conduct complaints against district, town or parish councillors, and in the capacity of a “relevant Independent Person” for the purposes of the Statutory Officer Discipline and Dismissal Panels.

## Recommendations

2. That the council appoints Daniel Paul to the position of an Independent Person under s28(7) of the Localism Act 2011 with regard to Code of Conduct complaints, and in the capacity of a “relevant Independent Person” for the purposes of the Statutory Officer Discipline and Dismissal Panels as set out in the Council’s disciplinary procedures for statutory officers in Part 4 of the council’s Constitution.

## Financial Implications

3. None arising from this report.

## Background Papers

4. None

## Impact

- 5.

Communication/Consultation	None
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Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	<p>The council is required under section 28 of the Localism Act 2011 to appoint sufficient Independent Persons to assist the Council in promoting and maintaining high standards of conduct by district councillors and co-opted members of the Council, and by Town/Parish Councillors of Town/Parish Councils within the District.</p> <p>The council is also required under its Statutory Officer Employment Procedure Rules in paragraphs 8.4 to 8.7 in Part 4 of the Constitution to appoint at least two “relevant independent persons” for the purposes of statutory officer disciplinary panels.</p>
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

## Situation

6. The Council is required under section 28 of the Localism Act 2011 to appoint sufficient Independent Persons to assist the Council in promoting and maintaining high standards of conduct by district councillors and co-opted members of the Council, and by Town/Parish Councillors of Town/Parish Councils within the District.
7. In addition, the Council is required under its Statutory Officer Employment Procedure Rules in paragraphs 8.4 to 8.7 in Part 4 of the Constitution to appoint at least two “relevant independent persons” for the purposes of statutory officer disciplinary panels.
8. The Council currently has three Independent Persons. There is the potential for all three to play a role during the Code of Conduct complaint process – initial assessment, supporting the “subject member” and attending a Standards Panel hearing as an advisory but non-voting panel member. There is therefore a resilience issue should for any reason one Independent Person be unavailable.

9. In addition, a recently-concluded, long-running and complex complaint saw all three Independent Persons having already been involved in the matter before a Standards Panel was called, meaning the council had to find an Independent Person from another authority.
10. Although in this case the Panel hearing did not in the end take place, it highlighted the need to mitigate against such a situation arising again. The Monitoring Officer therefore advertised for an additional Independent Person to join the council. Interviews were conducted by Cllr Oliver, the Chair of Audit and Standards Committee, one of the three existing Independent Persons and the Monitoring Officer. Each candidate also had the opportunity to meet the other two existing Independent Persons during this process.
11. Following this successful interview process, the Monitoring Officer proposes to appoint an Independent Person to act in accordance with section 28(7) of the Localism Act 2011 and Statutory Officer Employment procedures. Their personal details have been appended to this report.

## Risk Analysis

11.

Risk	Likelihood	Impact	Mitigating actions
The council does not appoint an Independent Person	1: members are expected to observe their statutory duty	3: The council are unable to determine complaints in accordance with their procedures. The council risks reputational damage if this function is not performed	Appoint suitable Independent Person.

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.

## Appendix A

Daniel Paul holds a senior position in Human Resources at a London Borough, where he also has overall responsibility for the Elections team.

He is a resident of Saffron Walden and is a Governor at RA Butler Academy. He is also a Forest School volunteer at the school.

He has both private and public sector professional experience, a strong understanding of the Nolan Principles and the local government Standards regime, advanced knowledge of local government structures and the role of Independent Persons within those structures, and demonstrated excellent independent thinking skills and personal integrity during the interview.