

**Report to: Full Council**

**Date of Meeting: 26 October 2016**

**Report Title: Appointment of Independent Persons**

**Report By:** Christine Barkshire-Jones Chief Legal Officer and Monitoring Officer

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### **Purpose of Report**

To appoint two Independent Persons to assist the Standards Process for a period of one year.

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### **Recommendation(s)**

To appoint Margaret Sandra and Andrew Colquhoun as Independent Persons to assist with the Standards process from 1<sup>st</sup> November 2016 to 31<sup>st</sup> October 2017

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### **Reasons for Recommendations**

The Localism Act 2011 requires the Council to appoint at least one Independent Person to assist with the Standards process. Further, changes in employment legislation requires an Independent person to be involved in any disciplinary action against any of the three statutory officers, those being the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.

## Background

1. At the Council meeting of 21 June 2012 the Council considered a report on the proposed new arrangements relating to the Member's Code of Conduct as required in consequence of the relevant provisions in the Localism Act 2011. The legislation requires the Council to appoint "Independent Person/s".
2. Council recommended that two Independent Persons were appointed in case one Independent Person should be unavailable or a conflict of interest should arise. They were appointed from 25 October 2012 to 30 June 2013. The Localism Act 2011 (commencement No.6 and transitional savings and transitory provisions) Order No.12 provided that existing Independent Members could be Independent Persons, but only for a period of one year ending 30 June 2013.
3. The Act requires that the views of the Independent Person/s must be sought on a complaint referred for investigation before the outcome of the complaint is determined. Also, the Member who is subject of a complaint may discuss the matter with an Independent Person. It is therefore necessary for two Independent Persons to be appointed to avoid any conflict of interest. As it transpired two Independent Persons can be conflicted out which is why this year the Monitoring Officer and Deputy have been given delegated powers to use Rother's Independent Persons.
4. In accordance with the requirement of the Act, applications for the position of Independent Person were invited by advertisement in a local newspaper and the Council's website and each candidate submitted an application Ten candidates applied. All candidates were interviewed by the (then) Head of Corporate Services and the Chief Legal Officer who supported the recommendations contained in this report. The chair of Standards Committee was consulted and also supported the recommendations in this report.
5. The applicants were all very good, but after careful consideration and evaluation, it was decided that Margaret Sandra and Andrew Colquhoun were the most appropriate candidates. They were appointed for a period of three years until 31<sup>st</sup> October 2016.
6. They have both agreed to be re-appointed for a further period of a year from 1<sup>st</sup> November 2016 to 31<sup>st</sup> October 2017
7. Failure to appoint Independent Persons would mean that the Council was not fulfilling its statutory duties under the Localism Act 2011. This would mean that any complaints received about Councillors could not be dealt with.

Wards Affected

None

Area(s) Affected

None

Policy Implications

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### Wards Affected

None

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### Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	Yes
Organisational Consequences	Yes
Local People's Views	No
Anti-Poverty	No

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### Additional Information

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### Officer to Contact

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