

Report to: Council

Date of Meeting: 18 October 2017

Report Title: Appointment of Independent Persons

Report By: Chris Barkshire-Jones, Chief Legal Officer and Monitoring Officer

Purpose of Report

To appoint two Independent Persons to assist the Standards Process and any disciplinary hearing against any of the Statutory Officers.

Recommendation(s)

1. To appoint John Baker and Amanda McIntyre as Independent Persons to assist with duties of Independent Persons from 1st November 2017 to 31st October 2022

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.

Introduction

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 required the Council to appoint at least one Independent Person.
2. Council recommended that two Independent Persons should be appointed in case of non-availability or a conflict of interest.
3. The Act requires that the views of the Independent Person must be sought on a complaint referred for investigation before the outcome of the complaint is determined. Also, the member who is subject to the complaint may discuss the matter with the Independent Person who will provide support to the member. The Independent Person's view would also be sought in terms of any sanction imposed on a member found to be in breach of the member's Code of Conduct.

Interviews

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 with c.v. in support. Six candidates were shortlisted all of a very high calibre. The candidates were interviewed by the Monitoring Officer and deputy Monitoring Officer. The Chair of Standards has been consulted.
5. After careful consideration and evaluation it was decided that John Baker and Amanda McIntyre were the most appropriate candidates to be appointed.

Consequences of Failure to Appoint

6. Failure to appoint Independent Person would mean that the Council could not fulfil its statutory duties. Complaints received about elected members could not be dealt with. Independent Persons are also required to be involved in the process of any disciplinary hearing against the Councils statutory officers.

Wards Affected

none

Policy Implications

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

Equalities and Community Cohesiveness
Crime and Fear of Crime (Section 17)
Risk Management
Environmental Issues
Economic/Financial Implications
Human Rights Act
Organisational Consequences
Local People's Views

Anti-Poverty

Officer to Contact

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