

Ethical Standards and Member Development Committee

16 June 2017

Appointment of Independent Person

1. Summary Statement

- 1.1 In accordance with the Localism Act 2011, arrangements must be put in place for the appointment by the Council of at least one Independent Person whose views must be sought and taken into account by the Council before it makes a decision on an allegation against an elected member that it has decided to investigate. The Independent Person's views may be sought by a member or co-opted member of the Council if that person's behaviour is the subject of an allegation, and may also be sought by the Council in relation to an allegation it has not yet decided to investigate.
- 1.2 The Council has decided to have three Independent Persons. Following a resignation, there is currently one vacancy.
- 1.3 In terms of a third member, to enable statutory processes to be followed a recruitment exercise will be carried out.
- 1.4 An update will be provided at the next meeting with regard to the outcome of the interview process and to seek approval, if required, to additional persons to the role of Independent Person.

2. Recommendation

- 2.1 That a report be submitted to the next meeting of the Ethical Standards and Member Development Committee with regard to the outcome of the interview process for the appointment of an additional Independent Person and to seek approval, if required, to additional persons to the role.

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3. Strategic Resource Implications

- 3.1 The role of Independent Person is a voluntary position and no annual allowance is paid in respect of this appointment. However, travelling and subsistence expenses are paid at the appropriate rate. The cost of advertising is met from within existing budgets.

4. Legal and Statutory Implications

- 4.1 Section 27 of the Localism Act 2011 requires authorities to promote and maintain high standards of conduct by their members and co-opted members. The Act requires local authorities to have in place mechanisms to investigate allegations that a member has not complied with their Code of Conduct, and arrangements under which decisions on allegations may be made.
- 4.2 Section 28(7) of the Act requires local authorities to appoint at least one Independent Person to advise the Council before it makes a decision on an allegation. The Independent Person also advises a member facing an allegation who has sought the views of that person. There are restrictions on who can be appointed as the Independent Person, mainly, that the Independent Person cannot be a councillor, officer or their relative or close friend. Public notice has to be given of recruitment for the role.

5. Implications for the Council's Scorecard Priorities

The role of the Independent Person is advisory and is important in providing assurance to the Council and the public that standards matters are being dealt with effectively, fairly and proportionately.

6. Background Details

There are no further background details to add to this report.