

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

26 July 2012

AUTHOR/S: Monitoring Officer

APPOINTMENT OF INDEPENDENT PERSON

Purpose

1. The Localism Act 2011 provides that a Council must appoint at least one "Independent Person" whose views will be sought and taken into account in connection with the process for dealing with allegations that members have breached the code of conduct.

Recommendations

2. That Council:
 - (a) appoint one Independent Person and one deputy Independent Person as per the recommendations made by the interviewing panel to Council; and
 - (b) agree an annual allowance of £1000 for the lead Independent Person and an annual allowance of £500 for the deputy Independent Person, in addition to travelling expenses

(NB. the nominations will be distributed to members shortly before the council meeting once interviews have been completed).

Reasons for Recommendations

3. The Council is required to appoint at least one Independent Person. It is intended to appoint a lead Independent Person together with a deputy Independent Person who will act as the Independent Person in the event that the person appointed is absent, incapacitated or otherwise unable to act.

Background

4. The functions of the Independent Person(s) as required by the Localism Act are –
 - They must be consulted by the authority before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding;
 - They may be consulted by the authority in respect of a standards complaint at any other stage.
5. In the proposed complaints process arrangements, provision is made for the Independent Person to be consulted on all the key decisions made including whether to refer a complaint for investigation or to seek alternative resolution. This provides additional level of assurance for these decisions.

6. The Independent Person will therefore be available for consultation by the Monitoring Officer and/or the Civic Affairs Committee before a decision is taken as to whether to investigate a complaint or to seek local resolution of the same. In addition, the Localism Act provides for the Independent Person to be available for consultation by any elected member, including parish councillors, who is the subject of a standards complaint.
7. The Department of Communities and Local Government issued regulations in June 2012 which specifically provided that former Co-opted Independent Members of Standards Committees are eligible to be appointed as Independent Persons. At the beginning of July, after the advertisement had been posted advertising the position as a three year tenure (subject to the annual ratification by Full Council) the Government issued a further regulation to state that if a Council were to appoint a former Independent member of its Standards Committee as the new Independent person then that appointment could only be made until the end of June 2013. A new independent person would then need to be appointed after that date.
8. A recruitment process was agreed by the Standards Committee that due to the short timescales involved the Monitoring Officer should be given the delegated power to work with the other Monitoring Officers across Cambridgeshire to jointly agree an advertisement and application pack for the role and issue a press release about the position once finalised. The Committee also agreed that the Monitoring Officer and the Chairman of the Council should conduct a short-listing and interview process and make recommendations to Council on the proposed appointments.

Considerations

9. In the recruitment pack the Council stated that the Independent Person needs to have the following skills and competencies:

- a keen interest in standards in public life.
- a wish to serve the local community and uphold local democracy.
- the ability to be objective, independent and impartial.
- sound decision making skills
- leadership qualities, particularly in exercising sound judgement

They will also need to:

- be a person in whose impartiality and integrity the public can have confidence.
- understand and comply with confidentiality requirements.
- have a demonstrable interest in local issues.
- have an awareness of the importance of ethical behaviours.
- be a good communicator.

10. Desirable additional criteria for the role are:

- a working knowledge/experience of local government or other public service and/or of large complex organisations and awareness of and sensitivity to the political process.
- a knowledge and understanding of complaints processes.

11. A person cannot be appointed as an Independent Person if they are or were within a period of 5 years prior to the appointment:

- a member, co-opted member or officer of the authority, or a relative or close friend of the above
- A member, co-opted member or officer of a parish council in the District Council's area, or a relative or close friend of the above.

Remuneration for Persons Appointed as Independent Persons

12. As the Independent Person is not a member of the authority or of its Committees or Sub-Committees, the remuneration of the Independent Person is outside of the scheme of members' allowances, and can therefore be determined without reference to the Independent Remuneration Panel.
13. In comparison to the current Chairman of Standards Committee, the role of Independent Person is likely to be more onerous. He/she will be involved in all stages of the decision making process and is likely to be invited to attend all meetings of the relevant hearings sub-committees as an adviser. It is proposed that an annual allowance be paid of £1000 for the lead independent person in addition to travelling expenses and an annual allowance of £500 be paid to the deputy independent person.

Implications

14. Financial	As detailed in the body of the report.
Legal	As detailed in the body of the report.
Staffing	None specific.
Risk Management	None specific.
Equality and Diversity	None specific.
Equality Impact Assessment completed	No
Climate Change	None specific.

Consultations

15. The Standards Committee was consulted throughout the process and agreed the application pack and recommended allowances.

Consultation with Children and Young People

16. Not relevant.

Background Papers: the following background papers were used in the preparation of this report:

Localism Act 2011

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