

## **Wiltshire Council**

### **Standards Committee**

**27 April 2016**

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## **Extension of Term of Appointment of Independent Persons**

### **Purpose of Report**

1. To recommend Council to extend the term of appointment of the three current Independent Persons for a further year until May 2017.

### **Background**

2. At its meeting on 15 May 2012 the Council approved its Code of Conduct, Arrangements for dealing with Code of Conduct Complaints and other elements of the new standards framework, as required by the Localism Act 2011.
3. The Council is required under the 2011 Act to appoint at least one Independent Person (IP) whose views must be sought and taken into account before the Council makes a decision on an allegation it has decided to investigate. The views of the IP may also be sought on other allegations, and by a member who is the subject of an allegation.
4. The role of the IP includes:
  - advising and assisting the Council in discharging its duty to promote and maintain high standards of conduct by elected and co-opted members.
  - advising elected and co-opted members of Wiltshire Council and Parish, Town and City Councils in Wiltshire in connection with complaints made against them under their Code of Conduct.
  - advising the Monitoring Officer in connection with the initial assessment, review and hearing of member misconduct complaints in accordance with the Council's complaints procedure.
5. Council agreed to appoint three IPs to ensure that there would be sufficient cover available to fulfil these responsibilities within the timescales prescribed in the complaints process, and to ensure that an IP would be available to advise the Monitoring Officer and a member subject to a complaint without giving rise to a potential conflict of interest.

6. Following a selection process the three IPs were appointed by Council on 10 July 2012 as follows:

- Mr Stuart Middleton
- Mrs Caroline Baynes
- Mr Colin Malcolm

7. It was originally envisaged that the term of appointment of each of the three IPs would be staggered for a period of up to four years in order to maintain continuity of knowledge and experience. In practice, however, as the IPs have gained considerable experience and expertise in their role it has been beneficial to retain them for the full term.

### **Main Considerations**

8. The complaints status report at item 6 of this agenda summarises the range and volume of matters in which the IPs have been involved since they were appointed. They have each discharged their role successfully, fulfilling their own particular responsibilities with enthusiasm, commitment and excellence, and the wider responsibility of helping the Council meet its duty to promote and maintain high standards of conduct.

9. Members may recall that IPs were given an additional statutory role under regulations issued in May 2015 relating to the dismissal of statutory officers. Guidance is due to be issued shortly on the role which IPs are expected to fulfil in this respect.

10. In order to secure the current level of service and expertise we receive from the current IPs for the remaining period of this Council it is proposed to extend their term of appointment for a further year until the Annual General Meeting of the new Council in May 2017. A recruitment process will be undertaken in due course to recommend appointments to these positions.

### **Environmental and Climate Considerations**

11. None arising from this report.

### **Equalities Impact**

12. The arrangements are consistent with the Council's obligations under the Equality Act 2010.

### **Risk Assessment**

13. No significant risks arising from this report.

### **Financial Implications**

14. In accordance with the recommendation of the Independent Remuneration Panel, adopted by full Council, the remuneration for the role is £ 2,240 per year. This is met from existing budget.

### **Legal Implications**

15. The issues covered in this report form part of the standards framework established under the Localism Act 2011.

### **Recommendation:**

16. To recommend Council to extend the term of appointment of the three current Independent Persons for a further year until the Annual General Meeting of the new Council in May 2017 and to note that a recruitment process will be undertaken in advance of that date to recommend appointments to these positions.

**Ian Gibbons, Associate Director, Legal and Governance and Monitoring Officer**

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Report Author: Ian Gibbons, [ian.gibbons@wiltshire.gov.uk](mailto:ian.gibbons@wiltshire.gov.uk), 01225 713052