

Wiltshire Council

Full Council

18 October 2022

Appointment of an Independent Person (s.28 Localism Act 2011)

Executive Summary

The Council is required under the Localism Act 2011 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 Council appointed three IPs in May 2021. Following a change in circumstances a vacancy rose at the end of June 2022.

The Standards Committee has undertaken a recruitment process and recommended the appointment of an addition IP.

Proposal

That Full Council appoint Mr John McAllister as an Independent Person

Reason for Proposal

In accordance with S27 of the Localism Act 2011.

Perry Holmes

Director – Law & Governance (and Monitoring Officer)

Wiltshire Council

Full Council

18 October 2022

Appointment of an Independent Person (s.27 Localism Act 2011)

Purpose of Report

1. This report asks that Full Council ratify the appointment of an Independent Person.

Background

2. The Council is required under the Localism Act 2011 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.
3. The Council has chosen to appoint three Independent Persons. These were appointed for four year terms at the meeting on 18 May 2021, following a recruitment process overseen by the Standards Committee.
4. As a result of changed circumstances, one of the Independent Persons has resigned their position. Full Council is asked to appoint a further IP to the end of the council term in May 2025.

Main Considerations

5. The Standards Committee was updated of the vacancy for an Independent Person at its meeting on 15 June 2022. In accordance with previous appointments the Monitoring Officer, in consultation with the Chairman, oversaw a process for recruitment of a replacement.
6. Following advertisement in the Summer, nine candidates were received for interview.
7. The Chairman, along with two other Members and supported by the Democracy and Complaints Manager, conducted interviews on 5 and 6 September 2022.
8. Following those interviews the Chairman presented an update to the Standards Committee at its meeting on 5 October 2022.
9. The Committee resolved to recommend council appoint Mr John McAllister as the new Independent Person.

Safeguarding Implications

10. There are no safeguarding issues arising from this report.

Equalities Impact of the Proposal

11. There are no equalities impacts arising from this report.

Procurement Implications

12. There are no procurement issues arising from this report.

Risk assessment

13. A lack of IPs could cause assessment of complaints against elected members to be delayed.

Financial Implications

14. The IPs each currently receive remuneration of £2,566 a year for carrying out their duties. This sum is adjusted in accordance with the annual pay award to council staff, as with Member allowances, which was confirmed by Council in July 2021.

Equalities Implications

15. Equalities issues were considered as part of the recruitment process.

Legal Implications

16. The recommendations in this report are consistent with the Council's obligations under the relevant legislation.

Workforce Implications

17. There are no workforce issues arising from this report.

Public Health Impact of the Proposals

18. There are no public health impacts arising from this report.

Environmental and Climate Change Impact of the Proposals

19. There are no environmental impacts arising from this report.

Recommendation

20. **That Council ratify the appointment of Mr John McAllister as an Independent Person following recommendation by the Standards Committee.**

Perry Holmes, Director, Legal and Governance

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