

Wiltshire Council

Full Council

15 October 2024

Appointments Report – Independent Persons

Executive Summary

This report recommends an approach to the recruitment and appointment of Independent Persons.

Proposals

That Council:

Extends the term of the council's three Independent Persons until August 2025.

Reason for Proposals

To ensure Independent Persons are in place for the next council term.

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Appointments Report – Independent Persons

Purpose of Report

1. This report recommends an approach to the recruitment and appointment of Independent Persons.

Background

2. Independent Persons are appointed under the Localism Act 2011 to be consulted in relation to the determination of Code of Conduct Complaints.
3. Full Council appointed three Independent Persons to a four-year term on 18 May 2021.
4. Following one Independent Person withdrawing from the role a further appointment was made on 18 October 2022 for the remainder of the council term.

Main Considerations

5. The council is required to appoint at least once Independent Person to be consulted in respect of Code of Conduct complaints. Wiltshire also provides for those Members subject to a complaint to be assigned an Independent Person to provide advice and guidance on the process.
6. The council has chosen to appoint three Independent Persons, whose terms will conclude at the end of the current council term.
7. As some Code of Conduct matters may extend across the election period, or complaints be submitted shortly after the election, there is a need for Independent Persons to be in place as soon as practicable thereafter as they are required to be consulted before any determination, including dismissal, is made.
8. It is therefore proposed to extend the term of the council's current Independent Persons until at least August 2025. This will enable the administration and processing of complaints to continue, and for Council and the Standards Committee to arrange for recruitment for the remainder of the next council term in due course.

Overview and Scrutiny Engagement

9. No Overview and Scrutiny engagement was considered appropriate or necessary in relation to these appointment processes.

Safeguarding Implications

10. There are no safeguarding implications.

Public Health Implications

11. There are no public health implications.

Procurement Implications

12. There are no procurement implications.

Equalities Impact of the Proposal

13. There are no equalities implications.

Environmental and Climate Change Considerations

14. There are no environmental implications.

Workforce Implications

15. There are no workforce implications.

Risks that may arise if the proposed decision is not taken

16. If the Independent Person terms are not extended there may be delays in making determinations on some Code of Conduct complaints.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

17. No risks have been identified if the proposed decision is taken.

Financial Implications

18. Independent Persons receive an annual allowance set out in the Members Allowances Scheme.

Legal Implications

19. The council is required to consult with an Independent Person appointed under s.28(7) of the Localism Act 2011 when making determinations in respect of Code of Conduct complaints

Conclusions

20. Extending the terms of the existing Independent Persons will enable the processing of Code of Conduct complaints to continue uninterrupted across and past the election period in 2025. Full recruitment may then commence without any disruption.

Perry Holmes - Director, Legal and Governance (and Monitoring Officer)

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Appendices

None

Background Papers

Part 13 of the Constitution