

## **Appointment of Independent Persons**

### **Purpose of Report**

1. This report asks the Standards Committee to approve the process and timetable for the appointment of three Independent Persons to assist the Monitoring Officer with Code of Conduct Complaints in accordance with the Localism Act 2011.

### **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. At its meeting on 10 July 2012 the Council appointed three IPs to fulfil their statutory role, as set out in the job specification attached at **Appendix 1**. The role involves:
  - 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.
4. The three current IPs, Mr Stuart Middleton; Mrs Caroline Baynes and Mr Colin Malcolm have discharged their role in an exemplary manner. Since their appointment in 2012 they have been involved in a total of 234 complaints. IPs meet or liaise as required with the Monitoring Officer in the initial assessment of complaints, and to date have advised in connection with 31 Review Sub-Committee and 1 Hearing Sub-Committee.
5. 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 had gained considerable experience and expertise in their role it was beneficial to retain them for the full term.

6. At its meeting on 27 April 2016, therefore, the Standards Committee recommended that the terms of the IPs should be extended to May 2017 to coincide with the election of the new Council. Full Council subsequently approved this recommendation at its meeting on 10 May 2016, with a recommendation for appointments to be received at the meeting of the new Council on 16 May 2017.

### **Main Considerations**

7. In appointing IPs, the Council is required by the Localism Act 2011 to advertise for a vacancy in a manner considered appropriate; applicants are to submit formal applications for the position, and the appointment must be approved by a majority of members of the Council.
8. It is proposed that a selection panel, comprising the Chairman, Vice-Chairman and a Co-opted Member of the Standards Committee is convened by the Monitoring Officer to shortlist and interview candidates for the role following advertisement on the Council's web site and receipt of applications. The Standards Committee will be advised of the successful candidates at its next meeting in April with a view to recommending them for appointment by the Council in May.
9. The Localism Act 2011 requires that at least one IP is appointed. However, the Council decided that three IPs should be appointed to provide the necessary support to the Monitoring Officer, subject members, and ensure that there is sufficient cover overall to manage all the complaints that are received efficiently. These arrangements have worked very well and it is strongly recommended that the Council continues with the same number of IPs.

### **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.

### **Risk assessment**

12. There are no significant risks arising from this report.

### **Financial Implications**

13. The IPs each receive remuneration of £ 2,240 a year for carrying out their duties. This sum was fixed by Council in 2012 in accordance with the recommendation of the Independent Remuneration Panel.

## **Legal Implications**

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

## **Public Health Impact of the Proposals**

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

## **Environmental Impact of the Proposals**

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

## **Recommendation**

17. **The Standards Committee is therefore asked to authorise the Monitoring Officer, in consultation with the Chairman, to take all necessary steps to secure the appointment of three Independent Persons at the meeting of Full Council on 16 May 2017.**

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## **Appendices:**

Appendix 1 - Job Specification: Independent Person and draft advert

## **Background Papers:**

[Minutes of Council 15 May 2012](#) – Delegation to Monitoring Officer for IP appointment process

[Minutes of Council 26 June 2012](#) – Approval of new Standards Regime

[Minutes of Council 10 July 2012](#) – Appointment of IPs

[Standards Committee Report and Minutes 27 April 2016](#)

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