

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 Tony Drew have discharged their role in an exemplary manner. The IPs have been involved in hundreds of complaints and under the old procedures were consulted by the Monitoring Officer for initial assessments, and under the current procedure sit with each Assessment Sub-Committee to consider complaints..
5. Each IP has been appointed for the full council term of four years, and therefore will come to an end of their terms in May 2021. As IPs are also appointed to be consulted by those subject to complaints, it would be necessary for Full Council to appoint IPs at the first meeting following the election in May 2021.

Main Considerations

6. 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.

7. It is proposed that a selection panel, comprising the two members of the Standards Committee, including at least one of the Chairman or 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. If any current IPs are not seeking reappointment it may be appropriate that they be involved in the process, for instance assistance in drafting the role description and advert.
8. The Standards Committee will be advised of the successful candidates at a meeting in 2021 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 currently receive remuneration of £2,522 a year for carrying out their duties. This sum is adjusted in accordance with the annual pay award to council staff, as with Member allowance, and was set by Council in 2011/17 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 following the election in May 2021.**

Ian Gibbons, Director of Legal and Governance

Report Author: Kieran Elliott, Senior Democratic Services Officer,
kieran.elliott@wiltshire.gov.uk , 01225 718504