

NAME OF COMMITTEE	COUNCIL
DATE	21 May 2013
REPORT TITLE	APPOINTMENT OF INDEPENDENT PERSONS
REPORT OF	Monitoring Officer
WARDS AFFECTED	All

Summary of report:

To approve the appointment of three Independent Persons in order to assist the Council in promoting and maintaining high standards of conduct amongst its elected Members and town and parish councillors.

Financial implications:

Each of the Independent Persons is entitled to claim a fixed allowance of £500 per annum, together with reimbursement of travel and subsistence expenses. This can be met from the existing Standards Committee budget.

RECOMMENDATIONS:

It is recommended that:

1. Council approves, immediate effect that, Mrs Victoria Spence, Mr George Barnicott and Mr Martin Gleed be appointed as the Council's Independent Persons for the period to the date of the Annual Council meeting in May 2015.
2. each of the Independent Persons to receive a fixed allowance of £500.00 per annum together with reimbursement of travel and subsistence expenses

Officer contact:

Catherine Bowen, Tel. (01822) 813666; Email: cbowen@westdevon.gov.uk

1. BACKGROUND

- 1.1 The Localism Act 2011 made fundamental changes to the system of regulation of standards of conduct for elected and co-opted Members.
- 1.2 A report outlining these changes was presented to a special meeting of Council held on 26 June 2012. A significant change to the system related to the requirement to appoint Independent Persons. The Independent Persons fulfil an advisory and consultative function but are not co-opted members of the Council. Independent Persons must be consulted in relation to any standards complaints which are to be referred for investigation. The Council's adopted procedures also require that the Independent Person is consulted at other stages of the complaints process, including by the Member who is subject to an allegation.

1.3 Regulations issued under the Localism Act permitted (due to the shortness of time for implementation of the new standards system) the appointment of the Independent/lay members of the former Standards Committee as Independent Persons. On 26 June 2012, Council agreed to appoint Mrs Victoria Spence as the Council's Independent Person until July 2013. Council also agree to appoint further Independent Persons in due course. Council in July 2012 agreed that Independent Person should receive a fixed rate of £500 per person per annum.

1.5 In March 2013, the Standards Committee agreed that two further Independent Persons should be recruited to support Mrs Spence to cover issues of conflict, capacity and availability. The Localism Act sets out a statutory recruitment process for the appointment of Independent Persons involving advertising, applications and formal interview.

2. RECRUITMENT PROCESS

2.1 In order to maximise the recruitment opportunities for interested parties, adverts were placed in the local press as well as on the Council's website. Eight applications were subsequently received and the Council shortlisted and interviewed four applicants.

2.2 The interviews took place on Wednesday, 8 May 2013, with the Interview Panel comprising Cllr J. McInnes and Cllr M. Ewings as Chairman and Vice-Chairman respectively of the Standards Committee, and Catherine Bowen as Monitoring Officer.

2.3 As a result of the interview process, Mr George Barnicott and Mr Martin Gleed were assessed by the Panel as the two most suitable applicants for appointment.

3. FINANCIAL IMPLICATIONS

3.1 Each of the Independent Persons is entitled to claim a fixed allowance of £500 per annum (together with reimbursement of travel and subsistence expenses). This can be met from the Standards budget.

4. LEGAL IMPLICATIONS

4.1 The Localism Act 2011 requires the Council to appoint Independent Persons to act in a consultative and advisory capacity. The Act states that the Independent Persons must be appointed via a prescribed process and appointments must be approved by the Council.

3. RISK MANAGEMENT

3.1 The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

Corporate priorities engaged:	Community Life
Statutory powers:	Local Government Act 2000 Localism Act 2011 and Regulations issued thereunder

Considerations of equality and human rights:	No impact assessment required.
Biodiversity considerations:	N/A
Sustainability considerations:	N/A
Crime and disorder implications:	None
Background papers:	Council Constitution; and Prospective Candidate Recruitment Packs

STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	'Fit for purpose' Independent Persons.	The Council fails to appoint any Independent Persons who are 'fit for purpose'.	2	1	2	↔	Robust recruitment process judging applications against clear criteria.	Monitoring Officer
2	No acceptance of appointment or failure to see out their term of appointment.	The prospective Independent Persons may fail to accept the appointment or resign from the role before May 2015.	1	2	2	↔	Interview addressed this potential risk in clarifying the role as part of the process.	Monitoring Officer

Direction of travel symbols ↓ ↑ ↔