

Report to: **Council**

Date: **30 May 2023**

Title: **Appointment of Independent Persons**

Portfolio Area: **Council Leader**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **N/A**

Date next steps can be taken: **Immediately**

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Recommendations:

That the Council agrees to the appointment until the next annual meeting of the following persons as Independent Persons to assist in the discharge of the Council's arrangements for dealing with standards complaints:

George Barnicott
Peter Boreham
Martin Glead
Trevor Kirkin
Victoria Spence

1. Executive summary

- 1.1 The appointment of at least one Independent Person is an important part of the arrangements for dealing with complaints that councillors have breached their code of conduct. Their independence contributes to an objective and impartial assessment of complaints.
- 1.2 The Council shares its Independent Persons with South Hams District Council.
- 1.3 Pending a formal recruitment process to be undertaken during the forthcoming year, the current Independent Persons have

been asked if they wish to continue. All of them have expressed an interest in continuing.

2. Background

- 2.1 Under the Localism Act 2011, the Council has a duty to promote and maintain high standards of conduct by its members and co-opted members. As part of discharging the duty, the Council has to have adopted a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in their capacity as members (that is in an official capacity).
- 2.2 In addition, the Council must have arrangements in place to deal with complaints that its code of conduct has been breached, including arrangements for:
- (a) Complaints to be investigated.
 - (b) Decisions on allegations to be made.
- 2.3 The arrangements for dealing with code of conduct complaints must include the appointment of one or more Independent Persons to assist in the standards process. The functions of the Independent Persons are:
- (a) to be consulted by the Council before it makes a finding as to whether a councillor has failed to comply with the Code of Conduct or decide on action to be taken in respect of that Member;
 - (b) to be consulted by the Council in respect of a standards complaint at any other stage and they may be consulted by a councillor or a co-opted member; and
 - (c) separately from the standards arrangements, under the Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015 to advise a panel of the Council on matters relating to dismissal of the Council's Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.
- 2.4 The Council's arrangements for dealing with allegations that councillors have breached their code of conduct are set out in Chapter 6 of the Council's constitution (<https://westdevon.gov.uk/constitution>).
- 2.5 The Council shares its Independent Persons with South Hams District Council. The current Independent Persons have been asked if they wish to continue and it is proposed that the following persons, who have served the Councils as Independent Persons are re-appointed until the next annual meeting of Council:

George Barnicott
Peter Boreham

Martin Glead
Trevor Kirkin
Victoria Spence

- 2.6 As it is some time since the positions were formally advertised, during the forthcoming year, the position of Independent Persons will be subject to a formal recruitment process and a recommendation from the Audit and Governance Committee, which has responsibility for the oversight of standards complaints.

3. Outcomes/outputs

- 3.1 The appointment of the Independent Persons ensures that the Council's arrangements comply with the Localism Act 2011, while also ensuring that complaints are assessed objectively and impartiality.

4. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	These are set out in the report at paragraphs 2.1 - 2.6.
Financial implications to include reference to value for money	Y	Under the Council's Allowances Scheme each Independent Person is entitled to an allowance of £500.
Risk	N	
Supporting Corporate Strategy	Y	Having clear arrangements for dealing with standards complaints supports A Plan for West Devon by setting out transparently how the Council operates, how decisions are made and the procedures which are followed.
Consultation & Engagement Strategy	N	
Climate Change - Carbon / Biodiversity Impact	N	
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	
Safeguarding	N	
Community Safety, Crime and Disorder	N	

Health, Safety and Wellbeing	N	
Other implications	N	

Supporting Information

Appendices:

There are no appendices.

Background Papers:

There are no background papers.