

Audit and Governance Committee – 22 January 2021
Member standards and conduct - Independent Persons

Title of report	Appointment of Independent Persons
Purpose of report	To advise the committee of the process for appointing Independent Persons.
Recommendation	To note the process for the appointment of Independent Persons ahead of the Annual Meeting of the Council in May 2021.
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Key risks	Failure in corporate governance which could lead to service, financial or reputational damage to the Council.

Background

- 1.1 The Localism Act 2011 made changes to the ways in which local authorities are required to promote and maintain high standards of councillor conduct. Councils have the freedom to decide how they will investigate and determine allegations of misconduct made against members and co-opted members relating to breaches of the Member Code of Conduct as long as at least one Independent Person is appointed to help councils make good decisions. They assist and advise the Monitoring Officer and the member-led Hearings Panel, in determining if members or co-opted members subject to allegations of misconduct have broken the Member Code of Conduct.
- 1.2 The Council must invite Independent Persons appointed under section 28(7) of the Localism Act 2011 to form a panel for the purpose of advising the Authority on matters relating to the dismissal of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer. These Statutory Officers may not be dismissed by the Authority unless full Council has approved that dismissal and the proper procedure has been complied with.

- 1.3 In 2013, the Council appointed three Independent Persons to serve for a four-year term until May 2017. Two of those appointed, Graham Baum and John Milner, were reappointed for the term of the next Council until May 2017. The arrangements work well and Mr Milner has indicated a willingness to continue for a short period in order to provide continuity moving forward. Mr Baum has advised that he wishes to step down. Although the number of complaints received has been low, it is proposed that three Independent Persons are appointed for the next term of the Council until May 2025.
- 1.4 Section 3.10 of Part 3 of the Constitution (terms of reference for the Audit and Governance Committee and Hearings Panel) covers the setting up of an interview panel comprising the lead members of each political group to shortlist and interview candidates.
- 1.5 For this purpose, the lead members will represent the main three political groups. It is suggested that they are the Chair (Liberal Democrat Group), the Vice-chair (Labour Group) and one other committee member (to be nominated by the Conservative Group).
- 1.6 The final decision on the appointment of Independent Persons rests with the Full Council, so having carried out the proposed selection process, the panel will make its recommendation to County Council in May.

2 Recommendation

To note the recruitment process for new Independent Persons ahead of the County Council election in May 2021.