

BRECKLAND DISTRICT COUNCIL

Report of: Maxine O'Mahony- Executive Director of Strategy & Governance & Monitoring Officer

To: Council – 17 May 2018

Author: Rory Ringer – Democratic Services Manager

Subject: Appointment of Independent Person under the Localism Act 2011

Purpose: This report requests that Council approve the appointment of an Independent person for standards of conduct issues affecting Council and Parish Council Members, in accordance with the requirements of Section 28(7) of the Localism Act 2011.

Recommendation(s):

- 1) That Bob Davis be appointed as "Independent Person" under Section 28(7) of the Localism Act 2011, until the annual Council meeting in May 2019

1.0 BACKGROUND

1.1 Under the Localism Act 2011, the arrangements adopted by the Council to deal with the consideration of Councillor Code of Conduct complaints must include provision of one or more Independent Persons:

- They must 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 decides on action to be taken in respect of that Councillor (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);
- They may be consulted by the Council, or complainant, in respect of a standards complaint at any stage of the process; and
- They may be consulted by a Councillor or co-opted member of the District Council or of a Parish Council against whom a complaint has been made.

1.2 As a result of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, Independent Persons now have an additional formal statutory role working together as part of a panel in advising the Council prior to any vote on whether to dismiss the Council's Head of Paid Service, Monitoring Officer and Chief Finance Officer, ('Protected Officers'). Under these regulations, the advisory panel must contain at least two Independent Persons. (At its meeting on 9 July 2015 Breckland Council agreed that the two Independent persons should comprise, where possible, one Independent person appointed by Breckland Council and One appointed by South Holland Council)

1.3 In July 2012, Fiona Anthony was appointed as the Council's Independent Person; this was again reaffirmed by Council in March 2015 through to the Annual Council meeting in May 2019. Fiona has recently tendered her resignation, although she has agreed to continue in the role until a replacement is appointed.

1.4 In accordance with the provisions of the Localism Act, an advertisement for the Independent Role was published in late February. 10 Candidates submitted formal written applications, and a panel consisting of the Council's Monitoring Officer and the Deputy Leader conducted interviews for the position on 30th April and 2nd May. Following this process, the panel identified Bob Davis as the most suitable person for the Independent person position, a short biography of Bob Davis is attached as Appendix A

2.0 **OPTIONS**

2.1 Members are invited to appoint Bob Davis as the Independent Person until the annual Council meeting in 2019.

2.2 The option to "Do Nothing" does not apply in the instance as the position of Independent Person is a statutory position which the Council is required to have.

3.0 **REASONS FOR RECOMMENDATION(S)**

3.1 To appoint an "Independent Person" in line with the requirements of the Localism Act 2011

4.0 **IMPLICATIONS**

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Transformation Programme; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

4.1 **Constitution & Legal**

4.1.1 To comply with Section 28(7) of the Localism Act 2011 that the Council has in place an Independent Person,.

4.2 **Financial**

4.2.1 An allowance is paid to the Independent person for any work undertaken. The current allowance is £25 per hour

5.0 **WARDS/COMMUNITIES AFFECTED**

5.1 All

6.0 **ACRONYMS**

6.1 None

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Key Decision: No

Exempt Decision: No

This report refers to a Mandatory Service

Appendices attached to this report:

Appendix A Biography of Bob Davis