

## **BRECKLAND DISTRICT COUNCIL**

**Report of:** Maxine O'Mahony – Executive Director, Strategy & Governance and Monitoring Officer

**To:** Council 16 May 2019

**Author:** Rory Ringer – Democratic Services Manager

**Subject:** Re-appointment of Independent Person

**Purpose:** To approve the re-appointment of the Council's Independent Person for a further four year period

### **Recommendation(s):**

- 1) That the current Independent Person, Mr Bob Davis, is re-appointed for the period 16 May 2019 until the annual Council meeting in May 2023.

### **1.0 BACKGROUND**

- 1.1 The Localism Act 2011 places a duty on Breckland District Council and each of the Parish Councils within the district to promote and maintain high standards of conduct for elected and co-opted members. This includes the requirement to have a Code of Conduct with which members must comply.
- 1.2 The Act also requires that the Council adopts arrangements for dealing with complaints on breaches of the Code of Conduct both by Breckland District Council members and by Parish Council members within the district. This must include provision for the appointment of at least one Independent Person.
- 1.3 The Act states that the Independent Person will have the following functions:
  - They must be consulted by the Council before it makes a finding as to whether a member has failed to comply with the Code of Conduct following investigation or decides on action to be taken in respect of that member;
  - They may be consulted by the Council in respect of a standards complaint at any other stage; and
  - They may be consulted by a member or co-opted member of Breckland District Council or of a Parish Council against whom a complaint has been made.
- 1.4 Following a recruitment process, it was agreed at the full Council meeting held on 17 May 2018 that Mr Bob Davis would be appointed as the Independent Person until the Annual Council meeting in May 2019. During the time that Mr. Davis has held this position he has attended training and gained experience in undertaking this role. It is proposed that Mr. Davis be re-appointed for a four year period from 16 May 2019 until the annual Council meeting in May 2023.

### **2.0 OPTIONS**

- 2.1 Members are invited to re-appoint Mr Davis as the Independent Person until the annual meeting in 2023.

- 2.2 Not to re-appoint and to re-recruit to the position of Independent Person.
- 2.3 The option to “Do Nothing” does not apply in this 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 It is recommended that Mr. Davis is re-appointed until the annual Council meeting in May 2023 in order to ensure stability and retain the valuable experience accumulated to date.

4.0 **EXPECTED BENEFITS**

- 4.1 The proposed re-appointment of Mr Davis will retain the experience already accumulated by the Independent Person.

5.0 **IMPLICATIONS**

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Contracts; Corporate Priorities; Crime & Disorder; Data Protection; 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.

5.1 **Constitution & Legal**

- 5.2.1 It is a legal requirement under the Localism Act 2011 that the Council has in place an Independent Person who is available for consultation by the Monitoring Officer and also any member who is the subject of a complaint.

6.0 **WARDS/COMMUNITIES AFFECTED**

- 6.1 All Wards

7.0 **ACRONYMS**

- 7.1 None

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Background papers:- None

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**Key Decision:** No  
**Exempt Decision:** No

**This report refers to a Mandatory Service**

**Appendices attached to this report: None**