

Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Appointment of Lead and Deputy Independent Persons

Meeting/Date: Corporate Governance Committee – 24 January 2024
Council – 21 February 2024

Executive Portfolio: Councillor S J Conboy, Executive Leader

Report by: Elections and Democratic Services Manager & Deputy Monitoring Officer

Ward(s) affected: All

Executive Summary

The Localism Act 2011 established the requirement for every principal authority to appoint one or more Independent Persons whose views must be sought and considered when dealing with allegations that members have breached the Code of Conduct. The terms of office of the current Lead and Deputy Independent Persons expire on 30th April 2024.

The Council is responsible for ensuring that the requirement to have Independent Persons is complied with.

The role of the Independent person has since been widened under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015. These new regulations changed the localised disciplinary process in relation to the Council's Head of Paid Service, the Chief Finance Officer and the Monitoring Officer Statutory Positions. In the case of any proposed disciplinary action against such a Statutory Officer, the Council is required to appoint the Independent Persons who have been appointed for the purposes of the Member's Code of Conduct regime to the Independent Panel who make recommendations to Council regarding any decision to dismiss a statutory officer.

After consultation with the current Lead Independent Person, it is recommended that the appointment of Mrs Gillian Holmes is reaffirmed. The Corporate Governance Committee is

RECOMMENDED

that for the purposes of Section of 28 of the Localism Act 2011, the Council affirm the re-appointment of Mrs Gillian Holmes to the post of Lead Independent Person for a further two-year period to 30th

April 2026 without the need for further ratification in each year by the Council at its Annual Meeting.

1. WHAT IS THIS REPORT ABOUT?

- 1.1 This report provides the Corporate Governance Committee with an opportunity to recommend to Council the appointment of Independent Persons as required by the Localism Act 2011.

2. BACKGROUND

- 2.1 The Localism Act 2011 requires every principal authority to appoint one or more Independent Persons. The Act contains strict rules preventing a person from being appointed if they are a friend or relative to any member or officer of the authority, or of any parish council within the authority's area. It also prescribes the role of Independent Persons. They must be consulted before the authority takes a decision to investigate any allegation.
- 2.2 Independent Persons, furthermore, may be consulted by a Member of the authority against whom an allegation has been made, as well as by a Parish Councillor in similar circumstances.
- 2.3 The role of the independent person has since been widened under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015. These regulations changed the localised disciplinary process in relation to the Council's Head of Paid Service, the Chief Finance Officer and the Monitoring Officer Statutory Positions. In the case of any proposed disciplinary action against such a statutory officer, the Council is required to appoint the independent persons who have been appointed for the purposes of the Member's Code of Conduct regime to the Independent Panel who make recommendations to Council regarding any decision to dismiss a statutory officer.
- 2.4 Gillian Holmes has been the Council's Lead Independent Person since September 2013 and brings a wealth of valuable knowledge and experience to the role. She also holds similar positions at other authorities with the Cambridgeshire area. Given the valuable contributions of impartial advice made by Gillian Holmes and the excellent working relationship established with the Monitoring Officer and Deputy Monitoring Officer in the period since her appointment, it is suggested that her term of office should be extended to 30th April 2026.
- 2.5 Sadly Peter Baker the Council's Deputy Independent Person passed away in September 2022. Whilst the regulations only require the Council to appoint at least one Independent Person to deal with complaints, it is intended to undertake a recruitment process during 2024 to fill this role. This will allow for any occasion when there may be a conflict of interest involving the Lead Independent Person.

3. CONSULTATION

- 3.1 The Lead Independent Person has been consulted and has indicated that she is willing to continue with her role in assisting the Corporate

Governance Committee and with Code of Conduct investigations for a further two-year term.

4. LEGAL IMPLICATIONS

- 4.1 Section 28 of the Localism Act 2011 requires the appointment of at least one Independent Person who may not be a member, a co-opted member or officer of the authority or of a parish council within the authority area. Neither may they be a close friend or relative of any of the above.

5. RESOURCE IMPLICATIONS

- 5.1 The Lead and Deputy Independent Persons receive an allowance of £1,051 and £525 respectively and shall also be entitled to claim travel for attending meetings and training events.

6. CONCLUSION

- 6.1 It is necessary to for the Council to consider and resolve these appointments in advance of their terms of office expiring. In so doing, this will provide continuity in the roles that are prescribed in legislation.

BACKGROUND PAPERS

District Council's Constitution

Localism Act 2011

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

Corporate Governance Committee Reports/Minutes.

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