

**APPOINTMENT OF INDEPENDENT PERSONS  
(Report by the Head of Legal & Democratic Services  
and Monitoring Officer)**

**1. INTRODUCTION**

- 1.1 Chapter 7 [Sections 28 (7) (8)] of the Localism Act 2011 established a new category of Independent Persons (IP) and required a “relevant Authority” including the District Council to provide for the appointment of at least one Independent Person.
- 1.2 At the Special Meeting of the Committee in June, the Head of Legal & Democratic Services and Monitoring Officer was authorised to commence the process for the appointment of at least two Independent Persons (one permanent Lead Member and one able to act in reserve).

**2. ROLE OF INDEPENDENT PERSONS**

- 2.1 The functions of the Independent Person are:-

- ◆ to be consulted by the Authority before it makes a finding as to whether a Member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Member (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 in any finding of breach on any decision on action as a result of that finding);
- ◆ to be consulted by the Authority in respect of a Standards complaint at any other stage;
- ◆ to be consulted by a Member or Co-Opted Member of the District Council or of a Parish Council against whom the complaint has been made; and
- ◆ potentially to be involved in the grant of dispensations.

- 2.2 A person cannot be appointed as an Independent Person if they are or were within a period of five years prior to their appointment:-

- ◆ a Member, Co-Opted Member or Officer of the Authority;
- ◆ a Member, Co-Opted Member or Officer of a Parish Council in the District Council’s area;
- ◆ or a relative or close friend of either of the above.

Under transitional arrangements, former Independent Members of the Standards Committee are eligible to apply for the role but their term of office can only last until 30th June 2013.

- 2.3 As the remuneration of the Independent Person would no longer fall under the Scheme of Members’ Allowances, the remuneration for the role can be determined without reference to an Independent

Remuneration Panel. Having been authorised to review the remuneration of the position and bearing in mind that the role of the appointee is likely to be less onerous, the Head of Legal & Democratic Services and Monitoring Officer has fixed the allowance at £1,000 for the Lead Independent Person and £500 for the Deputy and suggested that travel and subsistence expenses also should be payable. This scale of allowance is common to other District Councils in Cambridgeshire.

### **3. RECRUITMENT PROCESS**

- 3.1 Independent Persons must be appointed through a process of public advertisement and application. A small article "Setting the Standards" was placed in an early August edition of the Hunts Post drawing attention to the vacancy and the availability of a recruitment pack on the Standards and Conduct Pages of the District Council's website. A copy of the pack is reproduced as an Appendix. The vacancy also featured on the Home Page of the website. Copies of the pack also were sent to former Independent Members given the expertise and skills they had gained during their service under the former regime.
- 3.2 The appointments will be required to be "approved by a majority of the Members of the Authority" and so it is envisaged that a Panel of the Committee, perhaps comprising three Members (including the Chairman and Vice-Chairman of the Committee) together with the Monitoring Officer should interview the applicants and then recommend to Council at the meeting to be held on 26th September 2012 candidates for appointment as Lead Independent Person and Deputy.
- 3.3 Appointment is likely to be for a three-year term, subject to annual ratification by the Council. The Independent Person may attend meetings of the Standards Committee but only as a non-voting co-optee.

### **4. RECOMMENDATION**

- 4.1 The Committee is requested to appoint a Panel to interview and recommend to the Council on 26th September 2012 candidates for appointment to the positions of Lead and Deputy Independent Persons.

## **BACKGROUND PAPERS**

Localism Act 2011

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