

**APPOINTMENT OF NEW LEAD AND DEPUTY INDEPENDENT PERSONS
(Report by the Head of Legal & Democratic Services & 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 Subsequently, in September 2012, the Council appointed Messrs M Lynch and D Hall to the posts of Lead and Deputy Independent Persons.
- 1.3 Under transitional arrangements, Messrs Lynch and Hall, as former Independent Members of the Standards Committee, whilst eligible to be appointed to the roles were only able to serve until 30th June 2013.
- 1.4 Therefore, it is now necessary to re appoint to the two positions.

2. ROLE OF INDEPENDENT PERSONS

- 2.1 The Committee is reminded that the functions of the Independent Persons 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;
 - ◆ potentially 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 and in alternative remedies when it might be considered that mediation or an apology could be a preferred response to a complaint.
- 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.
- 2.3 The Council has fixed an allowance of £1,000 for the Lead Independent Person and £500 for the Deputy and travel and subsistence expenses also

are payable. This scale of allowance is common to other District Councils in Cambridgeshire.

3. RECRUITMENT PROCESS

- 3.1 As Independent Persons must be appointed through a process of public advertisement and application, a small article "Setting the Standards" was placed in an early June 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 District Council's website and details posted on both Twitter and Facebook. A copy of the pack also was sent to one of the candidates interviewed during the 2012 process who had been well regarded at that time by the Interviewing Panel.
- 3.2 The appointments are 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 25th September 2013 candidates for appointment as Lead and Deputy Independent Persons.
- 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 and although not a requirement for the posts, the current incumbents chose to observe alternative meetings of the Council and Standards Committee and attended training sessions when possible.

4. RECOMMENDATION

- 4.1 The Committee is requested to appoint a Panel to interview and recommend to the Council on 25th September 2013 candidates for appointment of Lead and Deputy Independent Persons for a 3 year term of office.

BACKGROUND DOCUMENTS

Localism Act 2011.

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