

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Lead and Deputy Independent Persons

Meeting/Date: Corporate Governance Committee – 17 January 2018
Council – 21 February 2018

Executive Portfolio: Councillor G J Bull, Executive Leader

Report by: Elections and Democratic Services Manager and 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. Accordingly, the appointments of Lead and Deputy Independent Persons were confirmed by the Council in March 2016 for a two-year term. The terms of office of the Lead and Deputy Independent Persons expire on 30th April 2018. The Council is responsible for ensuring that the requirement to have Independent Persons is complied with.

The Corporate Governance Committee is

RECOMMENDED

that the Council affirm the re-appointment of Mrs Gillian Holmes and Mr Peter Baker to the posts of Lead and Deputy Independent Persons respectively for a further two-year period to 30th April 2020 without the need for further ratification in each year by the Council at its Annual Meeting.

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1. WHAT IS THIS REPORT ABOUT/PURPOSE?

- 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 Given the valuable contributions of impartial advice made by Mrs Gillian Holmes and Mr Peter Baker, the Lead and Deputy Independent Persons respectively, and the excellent working relationship established with the Monitoring Officer and Deputy Monitoring Officer in the period since their appointment, it is suggested that their terms of office should be extended to 30th April 2020.

3. CONSULTATION

- 3.1 The Lead and Deputy Independent Persons have been consulted and have indicated they are willing to continue with their roles in assisting the Corporate Governance Committee and Code of Conduct investigations.

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-optee and officer or a close friend or relative of a member, co-optee or officer and may not have been any of those roles for a period of at least five years.

5. RESOURCE IMPLICATIONS

- 5.1 The Lead and Deputy Independent Persons receive an allowance of £1,000 and £500 respectively plus reimbursement of the costs involved in attending meetings and training events.

6. CONCLUSION

- 6.1 It is necessary for the Council to consider and resolve the two 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
Corporate Governance Committee Reports/Minutes.

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