

Standards Committee

Appointment of Independent Persons - Update

10 October 2012

Report of Head of Law and Governance / Monitoring Officer

PURPOSE OF REPORT

To enable the Committee to receive a verbal update on the latest position with regard to the appointment of Statutory Independent Persons so that recommendations can be made to the full Council meeting on 15 October 2012.

This report is public.

Recommendations

The Standards Committee is recommended to:

- (1) Receive a verbal update from the Head of Law and Governance/Monitoring Officer on the latest position with reference to the appointment of Independent Persons and agree recommended appointments to full Council.

Executive Summary

- 1.1 The Council is statutorily required to appoint at least one Independent Person as part of the new Standards Regime introduced by the Localism Act 2011. This report updates the Committee on the latest position with regard to the appointment process so that an appropriate recommendation can be made at the next full Council meeting on 15 October 2012.

Background Information

- 2.1 On 16 May 2012 full Council resolved that two Independent Persons be appointed by the Council at a future date on the recommendation of a panel comprising two members of the new Standards Committee, plus the Head of Law and Governance/Monitoring Officer, and that authority to set the initial allowance payment of such Independent Persons be delegated to the Head of Law and Governance/Monitoring Officer in consultation with the Head of Finance and Procurement. In relation to the latter it has been agreed to pay

the same allowance rate as applied to external independent members of the former Standards Committee.

- 2.2 At the time of writing this report the panel, comprising Councillors Fred Blackwell and Rosie Stratford, had yet to meet and, therefore, it is not possible to provide details of the panel recommendations for appointment in this report. The Head of Law and Governance/Monitoring Officer will provide a verbal update on the panel's recommendations for appointment at the meeting.
- 2.3 The views of an Independent Person must be sought and taken into account by the Council before it makes a decision on an allegation that it has decided to investigate. The views of an Independent Person may also be sought by the Authority in relation to an allegation in circumstances other than as set out above, by a Member or co-opted Member of the Authority if that person's behaviour is the subject of a complaint, and by a Member or a co-opted Member of a Parish Council if that person's behaviour is the subject of a complaint.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The Council is statutory obliged to appoint at least one Independent Person and, pursuant to the full Council resolution dated 16 May 2012, the Committee is requested to recommend two of the applicants for appointment as Independent Persons to the next meeting of full Council on 15 October 2012.
- 3.2 The options available to the Committee are:

Option One To accept the recommendations of the panel.

Option Two To reject the recommendations of the panel and to recommend alternative applicants to the Council for appointment.

Consultations

None

Implications

Financial: Pursuant to the delegated authority referred to above it has been agreed that the Independent Persons should receive an allowance equivalent to that received by the former Independent Members of the old Standards Committee. This equates to approximately £700 per annum and can be funded from existing budgets in Democratic Services.

Comments checked by Karen Curtin, Head of Finance

and Procurement,
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Legal:

The legal implications are dealt with in the report.

Comments checked by Kevin Lane, Head of Law and Governance,
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Risk Management:

The Council will be failing to comply with its legal obligations should it not appoint at least one Independent Person.

Comments checked by Gavin Halligan-Davies, Interim Corporate Performance Manager. Gavin.halligan-davies@cherwellandsouthnorthants.gov.uk

Document Information

Appendix No	Title
None	
Background Papers	
Independent Persons application forms - EXEMPT	
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