

# **Cherwell District Council**

## **Council**

**13 December 2021**

### **Standards Arrangements – Appointment of Independent Persons**

#### **Report of Director of Law and Governance and Monitoring Officer**

This report is public

### **Purpose of report**

To appoint statutory Independent Persons as part of the standards arrangements following a recruitment process.

## **1.0 Recommendations**

The meeting is recommended:

- 1.1 to appoint Mr Graham Matthews as an Independent Person pursuant to section 28(7) of the Localism Act 2011 for a term of four years expiring on the date of the December meeting of Council in 2025.
- 1.2 to appoint Mr Tom Edwards as an Independent Person pursuant to section 28(7) of the Localism Act 2011 for a term of four years expiring on the date of the December meeting of Council in 2025.
- 1.3 to note that the appointment of the Independent Persons may be renewable in 2025 for a further term of four years subject to the Independent Persons wishing to continue in the role and Council agreeing the renewal of the appointment.

## **2.0 Introduction**

- 2.1 The Localism Act 2011 (“the Act”) (Section 28, subsections (7) and (8)) requires the standards arrangements adopted by the Council to include provision for the appointment of at least one independent person to assist the Monitoring Officer in dealing with complaints about councillors’ standards of behaviour and alleged breaches of the Members’ Code of Conduct.
- 2.2 The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015 (“The Regulations”) require the Council to invite relevant Independent Persons to a Panel (being a committee appointed by the authority under section 102(4) of the Local Government Act 1972) for the purposes of advising the authority on matters

relating to dismissal of relevant officers of the authority. Such invitation must be issued to all relevant Independent Persons with a view to appointing at least two Independent Persons to the Panel. The relevant officers to which these provisions apply by legislation are the council's Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.

2.3 Following a robust recruitment process, Council is asked to appoint two Independent Persons.

### **3.0 Report Details**

3.1 As delegated by Council at the 19 July 2021 meeting ([Minute 25 refers](#)), the Standards Committee consider the arrangements for the appointment of Independent Persons at its 11 October 2021 meeting ([Minute 8 refers](#)).

3.2 Having regard to the required formal procedure to comply with The Act, the Standards Committee agreed the principles listed below for the recruitment exercise which were accordingly followed:

- The recruitment exercise to include advertisement, application and interview.
- The interview panel to consist of the Monitoring Officer, the Chairman of the Standards Committee and two members of the Standards Committee, one of whom to be an opposition member.
- Interviews will be carried out virtually via video conference in November 2021 (exact date(s) to be agreed by the interview panel)
- The appointments to be confirmed at the 13 December 2021 Council meeting with a positive vote by a majority of councillors
- The appointments to be for 4 years (to December 2025)
- The Independent Person "job description" and "role profile" to be approved by the Monitoring Officer, in consultation with the Chairman of the Standards Committee
- The statutory restrictions whereby an Independent Person must not be a Member, co-opted Member or officer of Cherwell District Council or a Member, co-opted Member or officer of a parish council that falls within the area of Cherwell District Council
- Any application from an existing Independent Person to be considered on its merits

3.3 There is no prescribed time limit on the terms of office of Independent Persons and these are therefore within the discretion of the Council. As part of its deliberations of the recruitment process, the Standards Committee agreed that the appointments should be for a four year term, renewable once. The renewal will be subject to the Independent Persons wishing to continue in the role and Council agreeing the renewal of the appointment.

- 3.4 Six applications were received. The interview panel was extremely impressed by the number and quality of applications received. All six applicants were interviewed with interviews taking place on 25 and 26 November and 3 December 2021 with a view to appointing up to three Independent Persons.
- 3.5 The interview panel comprised the Chairman of the Standards Committee, Councillor Simon Holland, one Conservative member of the Standards Committee, Councillor Lucinda Wing, and one opposition member of the Standards Committee, Councillor Perran Moon. The interview panel was supported by the Monitoring Officer and officers from the Democratic and Elections Team.
- 3.5 The Council may appoint as many Independent Persons as it deems appropriate. At its July 2021 meeting, Council had agreed to appoint three Independent Persons. Having considered the report of the Monitoring Officer to the 11 October 2021 meeting of the Standards Committee ([Minute 9 refers](#)) and mindful of the relatively low levels of code of conduct complaints received by the Monitoring Officer and therefore correspondingly the workload for Independent Persons, the interview panel is recommending the appointment of two Independent Persons.
- 3.6 Following consideration of the application forms and interview responses, the interview panel concluded that the following two individuals should be recommended to Council for appointment as an Independent Person:
- Graham Matthews (currently a CDC Independent Person)
  - Tom Edwards (currently a CDC Independent Person)

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 To comply with the statutory requirements the Council must appoint at least one Independent Person. Following the delegation from Council to the Standards Committee, supported by the Monitoring Officer, a process for the recruitment of Independent Persons was agreed and undertaken. Following this robust recruitment process, it is recommended that Council appoint Graham Matthews and Tom Edwards as Independent Persons for a four year term, renewable once.

## **5.0 Consultation**

None

## **6.0 Alternative Options and Reasons for Rejection**

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not to appoint Independent Persons. This is not recommended as the Council would be failing in its statutory duty to appoint at least one Independent Person.

Option 2: To appoint alternative applicants. This is rejected because the interview panel have reviewed all applications and interviewed all applicants and made recommendations to Council accordingly.

## **7.0 Implications**

### **Financial and Resource Implications**

- 7.1 Each independent person receives an annual allowance of £768 and can claim travel expenses for attending meetings in person. This is provided for in the Members' Allowances budget. The law is clear that the payment of an allowance does not negate independence.

Comments checked by:

Michael Furness, Assistant Director – Finance, 01295 221845  
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### **Legal Implications**

- 7.2 To comply with the requirements of the Localism Act 2011 (section 28(7)), the Council should appoint at least one Independent Person. However, should it be necessary to set up a Panel in compliance with The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015 referred to in paragraph 2.2 above it is recommended that the Council appoints two Independent Persons.

Comments checked by:

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### **Risk Implications**

- 7.3 Failing to appoint an Independent Person would place the Council in breach of its statutory duty under the Act and prevent the Monitoring Officer from dealing with complaints in accordance with the Council's code of conduct complaints procedure.
- 7.4 In addition in the event of there being a need to consider dismissal of a relevant officer and the Council not having appointed at least two Independent Persons the Council would be required to approach another local authority to seek to invite their appointed Independent Persons to form part of a Panel.

Comments checked by:

Louise Tustian, Head of Insight and Corporate Programmes, 01295 221786  
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### **Equalities and Inclusion Implications**

- 7.4 The recruitment process was a fair and open process and the recommended Independent Persons appointments are on merit.

Comments checked by:

Louise Tustian, Head of Insight and Corporate Programmes, 01295 221786

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## **Sustainability Implications**

7.5 There are no sustainability implications arising from this report.

Comments checked by:

Sarah Gilbert Climate Action Team Leader [sarah.gilbert@cherwell-dc.gov.uk](mailto:sarah.gilbert@cherwell-dc.gov.uk)

## **8.0 Decision Information**

### **Key Decision**

**Financial Threshold Met:** N/A

**Community Impact Threshold Met:** N/A

### **Wards Affected**

All

### **Links to Corporate Plan and Policy Framework**

Not applicable – this report is made pursuant to a statutory requirement.

### **Lead Councillor**

None

## **Document Information**

### **Appendix number and title**

- None

### **Background papers**

None

### **Report Author and contact details**

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