

# Council

## Standards Committee – Appointment of Independent Persons

15 October 2012

### Report of Head of Law and Governance

#### PURPOSE OF REPORT

To enable Council to appoint statutory Independent Person pursuant to Section 28 (7) of the Localism Act 2011 upon the recommendation of the Standards Committee.

This report is public.

#### Recommendations

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Council is recommended:

- (1) To appoint Dr Sadie Reynolds and Thomas Edwards as statutory Independent Persons pursuant to Section 28 (7) of the Localism Act 2011 with their terms of office expiring on 30 June 2013 and the date of the Annual Meeting in May 2016 respectively

#### Details

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- 1.1 On 16 May 2012 Council resolved that two statutory Independent Persons should be appointed pursuant to Section 28 (7) of the Localism Act 2011 and that a panel comprising two members of the Standards Committee and the Head of Law and Governance should consider applications and put forward recommendations for appointment to a future meeting of Council.
- 1.2 This panel duly met to consider the applications that were received but, as there was a meeting of the Standards Committee on 10 October 2012, the opportunity has been taken to seek the endorsement of the Standards Committee to the proposed appointments.
- 1.3 At the meeting of the Standards Committee on 10 October 2012 the Committee resolved to recommend the appointments set out above.

#### Conclusion

- 1.4 The Standards Committee has met to determine its recommendations on the identity of the Independent Persons to be appointed pursuant to Section 28 (7) of the Localism Act 2011 and their recommendations are set out above for Council's consideration.

## **Key Issues for Consideration/Reasons for Decision and Options**

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2.1 The following options have been identified. The approach in the recommendation is believed to be the best way forward.

- Option One** To accept the recommendation.
- Option Two** To appoint different Independent Persons to those recommended. This is not recommended as the proposed appointments have the support of the Standards Committee and consideration of alternative appointments would require a deferral of this matter to a future Council meeting, and the inability of the Head of Law and Governance to operate the Standards arrangements in the meantime.
- Option Three** Not to appoint independent Persons. This is not recommended because the Council has a legal obligation to appoint at least one Independent Person pursuant to Section 28 (7) of the Localism Act 2011 and it would accordingly be acting unlawfully in failing to make an appointment at all.

## **Consultations**

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Standards Committee

## **Implications**

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- Financial:** The Independent Persons will be entitled to receive an allowance payment of £708 per year. This reflects the allowance payments that were received by the former Independent External Members of the Standards Committee. There is accordingly budgetary provision for these payments.
- Comments checked by Karen Curtin, Head of Finance and Procurement,  
karen.curtin@cherwellandsouthnorthants.gov.uk
- Legal:** The legal implications are dealt with in the report.
- Comments checked by Kevin Lane, Head of Law and Governance,  
kevin.lane@cherwellandsouthnorthants.gov.uk
- Risk Management:** The Council is legally obliged to appoint at least one independent person. By appointing two independent persons the risk of a conflict of interest arising is significantly mitigated.
- Comments checked by Gavin Halligan-Davies, Interim Corporate Performance Manager, gavin.halligan-davies@cherwellandsouthnorthants.gov.uk

## Document Information

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<b>Appendix No</b>	<b>Title</b>
None	
<b>Background Papers</b>	
None	
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