

Open Report by Nigel West, Head of Democratic Services and Statutory Scrutiny Officer

Report to:	County Council
Date:	18 December 2015
Subject:	Appointment of Independent Persons

Summary:

This report seeks councillors' approval for the appointment of two Independent Persons.

Recommendation(s):

That the Council appoints Mr Alan Pickering and Dr Christopher Riley as Independent Persons.

1. Background

1.1 The Localism Act 2011 places a duty on the Council to promote and maintain high standards of conduct for elected and co-opted members. This includes a requirement for the Council to have a code of conduct with which all members must comply and have arrangements in place to deal with complaints regarding breaches of the code.

1.2 The Act provides that the Council must appoint an Independent Person to help with any such complaints.

1.3 The Independent Person will have the following functions:

- They must be consulted by the Council before it makes a finding as to whether a member has failed to comply with the code of conduct following investigation or decides on action to be taken in respect of that member;
- They may be consulted by the Council in respect of a standards complaint at any other stage; and
- They may be consulted by a member or co-opted member of the Council against whom a complaint has been made

1.4 In addition regulations now require the Council to establish a Panel of Independent Persons appointed by itself or another authority under the Act to advise it in considering a decision relating to the dismissal of any of its statutory officers – i.e. the Head of Paid Service, Monitoring Officer or Chief Finance Officer

(Section 151 Officer). The Independent Person may be invited to form a part of such a Panel if and when it is convened.

1.5 In light of this extra responsibility the Council's Independent Person, Clive Mason, and the Council's Head of Democratic Services were invited to recruit a further Independent Person for the County Council.

1.6 An advertising campaign attracted a number of applications, from which a shortlist of five was drawn. Interviews were conducted by Mr Mason and the Head of Democratic Services during November 2015. It was their intention to recommend at least one of the candidates for the appointment to this voluntary role.

1.7 Sadly Mr Mason died at the end of the week that the interviews of candidates were concluded. This was a tremendous shock to both Nigel West and Richard Wills. They wish to acknowledge the professionalism and diligence with which Mr Mason assisted them in carrying out his duties. They are confident that those councillors who encountered Mr Mason in his role will concur. His last duty as the County Council's Independent Person was to assist in this recruitment process. The Monitoring Officer has expressed the Council's deepest sympathy and condolences in a letter to Mr Mason's family.

1.8 The Head of Democratic Services is now in a position to recommend two people for the role of Independent Person and has put forward the names of Mr Alan Pickering from Boston and Dr Christopher Riley from Middle Rasen. Details of both gentlemen are attached at Appendix A to this report.

2. Conclusion

2.1 Council must appoint an Independent Person to support its arrangements for dealing with standards matters. Following the sudden death of Mr Clive Mason there are two vacancies for this voluntary role.

3. Legal Comments:

The legal requirement to appoint one or more Independent Persons and their role is set out in the Report. Under the Localism Act 2011 a person may not be appointed as an Independent Person unless the appointment has been approved by a majority of the members of the Council.

The decision is therefore within the remit of the full Council.

4. Resources Comments:

There are no material additional financial implications arising from the acceptance of the recommendation in this report.

5. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

n/a

c) Scrutiny Comments

n/a

d) Policy Proofing Actions Required

n/a

6. Appendices

These are listed below and attached at the back of the report	
Appendix A	Details of those recommended for the position of Independent Person

7. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Localism Act 2011	Democratic Services

This report was written by Nigel West, who can be contacted on 01522 552840 or nigel.west@lincolnshire.gov.uk.

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