Lincolnshire COUNTY COUNCIL
Working for a better future

County Council

Open report on behalf of Richard Wills Director responsible for Democratic Services

Report to:	**County Council**
Date:	**16 May 2014**
Subject:	**Appointment of Independent Person**

Summary:

This report updates councillors on the appointment of an Independent Person and Reserve and seeks approval for the delegation of the appointment to the Monitoring Officer in consultation with Group Leaders.

Recommendation(s):

1) That Council notes the position regarding the appointment of an Independent Person, and

2) That Council delegates to the Monitoring Officer, in consultation with Group Leaders, the appointment of an Independent Person and reserve (such appointment to be for a period of four years from 1 June 2014)

3) That Council delegates to the Monitoring Officer, in consultation with Group Leaders, the appointment of an Independent Person and reserve, should any vacancy arise during the above four-year term

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.

1.3 An advertisement inviting applications for the position of Independent Person and one reserve, who may be called upon in the absence of the Independent Person, was placed on the Council's website. A social media campaign was also carried out in an effort to recruit to this voluntary post.

1.4 Interviews have taken place and it is envisaged that the Council will be in a position to appoint once all the necessary administrative processes have been completed.

1.5 Appointment of the Independent Person is a matter for Council – as the Monitoring Officer is unable to make a specific recommendation to Council at this meeting and to enable Council to meet its statutory responsibilities as regards an Independent Person now, it is recommended that Council delegate the appointment of the IP and any reserve from among those recently interviewed to the Monitoring Officer in consultation with Group Leaders.[In order to enable the Council to react promptly in the event that a vacancy arises for an Independent person or reserve in the period up to 31 May 2018, it is also proposed that the Council delegate to the Monitoring Officer the power to fill any such vacancy (subject to the same consultation).

2. Conclusion

2.1 Council must appoint an Independent Person to support its arrangements for dealing with standards matters. To avoid delaying the decision until the next scheduled meeting of Council in September, Council is recommended to delegate to the Monitoring Officer, in consultation with Group Leaders, the authority to appoint an Independent Person and reserve.

3. Legal Comments:

The legal issues to be taken into account in the making of this decision, which is for Council to make, are set out in the report.

4. Resource Comments:

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

5. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

n/a

d) Policy Proofing Actions Required

n/a

6. Background Papers

Background paper	Where the paper can be viewed
Independent Person Recruitment pack	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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