

<b>Item No.</b> 6.4	<b>Classification:</b> Open	<b>Date:</b> 24 November 2021	<b>Meeting:</b> Council Assembly
<b>Report title:</b>		Re-appointment of independent person	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Director of Law and Governance	

## **RECOMMENDATION**

1. That council assembly approves the re-appointment of the independent person named in the closed report for a further period of three years.

## **BACKGROUND INFORMATION**

2. Section 28 of the Localism Act 2011 requires provision for the appointment of at least one independent person whose views must be sought and taken into account before the authority makes a decision on an allegation or complaint relating to a member.
3. The independent persons will advise the council prior to any decision to investigate an allegation or complaint relating to whether a member has failed to comply with the code of conduct. The independent persons may be consulted by the council's monitoring officer in respect of an allegation against a member in other circumstances. They may also be consulted by a member or co-opted member of the council against whom an allegation or complaint has been made.
4. Additionally, the views of the independent persons will be considered by the council's Audit, Governance and Standards (Standards) Sub-Committee, who are responsible for determining the outcome of any complaints and remedial action. The independent person will therefore be required to attend meetings of the committee.
5. The monitoring officer considers that it is important to have a minimum of three independent persons to call upon to provide the advice and assistance needed when dealing with complaints, particularly to cover for periods of absences and to avoid potential conflicts where a member wishes to obtain advice.

## **KEY ISSUES FOR CONSIDERATION**

6. There are currently three independent persons. Two of these were appointed by the council assembly at its meeting on 28 November 2018. These appointments will continue until 30 November 2022. At the same

meeting the council agreed to the reappointment of a third independent person for three years who was first appointed by council on 8 July 2015.

7. The monitoring officer is requesting council assembly to agree that this independent person is appointed for a further period of three years.
8. The initial appointment by council assembly was made in accordance with the requirements of the Localism Act 2011, following an open recruitment process and interviews being conducted by a panel comprising council members and references being obtained.

## **Community, equalities (including socio-economic) and health impacts**

### **Community impact statement**

9. The appointment of independent persons is required by statute and the individuals appointed play an important part in the work of the council monitoring the probity and conduct of elected councilors for the benefit of the community that the council serves.

### **Equalities (including socio-economic) impact statement**

10. The initial appointment process for independent persons is an open and transparent one that takes account of the need to ensure that council is complying with the public sector equality duty. The current independent persons are from a diverse background and they broadly reflect our diverse community in terms of gender and ethnicity.

### **Health impact statement**

11. There is no obvious health impact arising from this report.

### **Climate change implications**

12. There is no obvious climate change impact arising from this report.

### **Resource implications**

13. The annual fixed allowance per independent person can be contained within current budgets.

### **Legal implications**

14. The legal statutory context to this re-appointment is set out above.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Assembly previous reports and decisions: 8/07/2015 & 28/11/2018	Constitutional Team, 160 Tooley Street, London SE1 2QH	Constitutional Team Email: <a href="mailto:constitutional.team@southwark.gov.uk">constitutional.team@southwark.gov.uk</a>

## AUDIT TRAIL

<b>Lead Officer</b>	Doreen Forrester-Brown, Director of Law and Governance	
<b>Report Author</b>	Allan Wells, Specialist Governance Lawyer	
<b>Version</b>	Final	
<b>Dated</b>	9 November 2021	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Governance	Yes	Incorporated in report
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	9 November 2021	