

Item No. 12.	Classification: Open	Date: 17 October 2022	Decision Taker: Audit, governance and standards committee
Report title:		Appointment process for independent persons	
Ward(s) or groups affected:		All	
From:		Director of Law and Governance	

RECOMMENDATION

1. That the committee notes the process for the appointment of independent persons to deal with member code of conduct complaints.
2. That the committee agrees to appoint a panel to assist the monitoring officer in interviewing applicants with a view to making appointment recommendations to Council Assembly.

BACKGROUND INFORMATION

3. Section 28 of the Localism Act 2011 requires provision for the appointment of at least one independent person whose views must be sought in relation to any complaint that a member has been in breach of the code of conduct.
4. The independent persons will advise the monitoring officer prior to any decision to investigate an allegation or complaint relating to whether a member has failed to comply with the code of conduct. They may also be consulted by a member or co-opted member of the council against whom an allegation or complaint has been made.
5. Additionally, the views of the independent persons will be considered by the committee or its sub-committee if it is needing to determine the outcome of any complaints and any remedial action. The independent person will therefore be required to attend meetings of the committee or sub-committee.
6. 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

7. There are currently two independent persons whose appointments expire on 30 November 2022. One of these has agreed to stand for a further three

years and the other wishes to stand down but has agreed to continue for a short period to enable new appointments to be made. These two continuing appointments will be considered by the council assembly in November 2022.

8. The monitoring officer is in the process of making arrangements for the appointment of further independent persons. The posts will be advertised on the council's website and in other local and relevant media. As previously, the monitoring officer is requesting the assistance of at least three members nominated by the committee to act as an interview panel. The panel will make recommendations for appointment which the monitoring officer will report to council assembly for decision.
9. The prospective timetable for this process is as follows:

Advertisement placed by end of October 2022
Applications received by end of November 2022
Shortlisting and interviews: December 2022/January 2023
Appointment by council assembly 22 February 2023
10. A job description and specification are attached as appendix 1. Suitable applicants will need to demonstrate personal integrity and a commitment to maintaining high standards in public life. They will be required to have a knowledge of and interest in the functions of local government relating to governance, in particular the role of elected members and the Code of Conduct. They will need to show independence and impartiality and must not be, or be a relative or close friend of, a member, employee or co-opted member of the council, and not have held such a post within the previous 5 years and not be an active member of a political party.

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

Community impact statement

11. 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

12. The 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.

Health impact statement

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

Climate change implications

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

Resource implications

15. The annual fixed allowance per independent person and the recruitment process costs will be contained within current budgets.

Legal implications

16. The legal statutory context to this appointment process is set out above. Included in the role and functions of the committee in part 3K of the constitution is the independent assurance of the adequacy of the council's governance arrangements, including its standards regime and the provision of a framework to promote and maintain high standards of conduct by councilors. The committee's assistance with this recruitment process will contribute to this.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Assembly previous reports and decisions: 8/7/2015	Constitutional Team, 160 Tooley Street, London SE1 2QH	Chidilim Agada 020 7525 7225

APPENDICES

Appendix	
1	Independent person job description
2	Independent person person specification

AUDIT TRAIL

Lead Officer	Doreen Forrester-Brown, Director of Law and Governance	
Report Author	Allan Wells, Specialist Governance Lawyer	
Version	Final	
Dated	6 October 2022	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Governance	Yes	Incorporated in report
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	6 October 2022	