

Item No. 8.1	Classification: Open	Date: 17 October 2012	Meeting Name: Council Assembly
Report title:		Appointment of Independent Persons	
Ward(s) or groups affected:		All	
From:		Director of Legal Services	

RECOMMENDATIONS

1. That council assembly approves the appointment of the two individuals as independent persons, as outlined in the closed report, subject to recommendation 2.
2. That the commencement date of each term of office be confirmed by the director of legal services.

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 and taken into account before the authority makes a decision on an allegation or complaint relating to a member.
4. 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. Additionally, the views of the independent persons will be considered by the council's standards committee or sub-committees, 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 standards committee.
5. These persons cannot be a current or past member or co-opted member of the authority, so could not be a member of either the old or the new standards committee. However, the Department of Communities and Local Government have announced that in order to avoid the loss of expertise caused by this provision, they will defer it coming into force for a year. For the first year, therefore, the prohibition on past members will not apply.
6. The Localism Act 2011 requires that the process to appoint independent persons must be open and transparent and any appointment must be approved by a majority of members of the authority, which in effect requires approval by council assembly.
7. The standards committee agreed, at the meeting held on 5 March 2012, that a joint independent person selection process be held with Lambeth Council to

appoint at least one independent person for each borough and if possible for both.

KEY ISSUES FOR CONSIDERATION

8. The joint Southwark and Lambeth independent selection panel met on 27 June 2012 to interview candidates and make a recommendation to council assembly for appointments. At that stage, the panel recommended the appointment of Mr William Dee, which was approved by Southwark council assembly on 4 July 2012 and by the Lambeth council meeting on 18 July 2012.
9. The same panel then met again on 24 July 2012 to interview the final candidate. The panel comprised of one Labour group member from Southwark, one Labour group member from Lambeth and one Liberal Democrat group member from Lambeth.
10. At the meeting on 24 July, the selection panel agreed to recommend the appointment of two individuals, as independent persons, as outlined in the closed report.
11. Council assembly are asked to appoint the named individuals as set out in the recommendations. Summary biographies for the individuals are set out in Appendix 1 of the closed report.
12. As with independent members in the past, references have been sought and criminal records bureau checks have been arranged. The successful outcome has been reported back to the director of legal services who is satisfied with the outcome.

Number of independent persons who can be appointed

13. One of the individuals was appointed under delegated authority on 24 July 2012 by the Lambeth director of governance and democracy. Due to differing workloads in each borough, Lambeth Council has decided to appoint two independent persons.
14. Should council assembly agree the appointment of both the individuals as per recommendation 1 of the report, this will bring the total number of independent persons appointed by Southwark Council to three, which is sufficient to manage anticipated workloads. It is not envisaged that the council will need to recruit any further independent persons in the foreseeable future. It is anticipated that one of the recommended candidates will serve until such time as the Department for Communities and Local Government implements the prohibition of past independent members.

Community impact statement

15. The position 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 councillors.

Resource implications

16. Expenditure relating to recruitment and the annual fixed allowance of £1,061 per independent person can be contained within current budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Standards Committee – previous reports and agenda – 5 March 2012	Constitutional Team, 160 Tooley Street, London SE1 2QH	Ian Millichap 020 7525 7225

APPENDICES

No.	Title
Appendix 1	Biographies (see closed agenda)

AUDIT TRAIL

Lead Officer	Doreen Forrester-Brown, Director of Legal Services	
Report Author	Ian Millichap, Constitutional Manager Andrew Weir, Constitutional Officer	
Version	Final	
Dated	4 October 2012	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Legal Services	Yes	Incorporated in report
Strategic Director of Finance and Corporate Services	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	4 October 2012	