

COUNCIL APPOINTMENT OF INDEPENDENT PERSONS

1. Summary

- 1.1 The Localism Act 2011 places a statutory duty on the Authority to promote and maintain high standards of conduct by its elected and co-opted members. The Act requires the Authority to have local arrangements to handle any misconduct complaints including the appointment of Independent Persons.

2. Details

- 2.1 The Council is required by the Localism Act 2011 to put in place its own arrangements for dealing with complaints that members had failed to comply with the Code of Conduct. Section 28 of the Act requires these arrangements to include the appointment of at least one Independent Person.

The Role of Independent Person

- 2.3 The Council is required to appoint at least one Independent Person to discharge the functions ascribed by section 28 of the Localism Act 2011. The role of the Independent Person is, in summary, as follows:
- To assist the Council generally in discharging its duty to promote and maintain high standards of conduct by Elected Members and Co-opted Members of the Council and the Parish Councils in its area.
 - To advise the Monitoring Officer in connection with the assessment and post-investigation stage of complaints against elected and co-opted members.
 - To advise the Standards Panel in connection with complaints and potential sanctions where a failure to comply with a code of conduct has been established.
 - To advise their view, where sought, to an Elected or Co-Opted Member of the Council or a Town and Parish Council within its area who is the subject of an allegation that their behaviour has breached a Code of Conduct.
- 2.4 The Independent Person also now has functions in connection with the proposed dismissal of any of the Council's statutory officers, being the Head of Paid Service, Section 151 Officer (Director of Finance) and the Monitoring Officer.
- 2.5 The Independent Person must not be, or have been during the last 5 years, a member, co-opted member or officer of Three Rivers District Council or a Town, Parish or Community Council within the district; or a relative or a close friend of a member, co-opted member or officer of Three Rivers District Council or a Town, Parish or Community Council within the district.
- 2.6 The role of an Independent Person is voluntary. They are neither officers of the Council nor members. The Independent Person does not receive a salary for their work however they are allowed to claim an allowance and expenses.

Current Position

- 2.7 At its meeting in January, Council agreed the reappointment of Mr Kenneth Lee and appointment of Mrs Tracy Heather to the role of Independent Person for a period of four years.

Review of Arrangements for an Independent Person.

- 2.9 It is good practice to have between two and four Independent Persons. Two is the recommended minimum as the same Independent Person should not advise both the Monitoring Officer and Subject Member on the same complaint. To ensure that the Council had a pool of Independent Persons which it could approach for advice it was considered prudent to recruit additional independent Persons.
- 2.11 The law provides that a person may not be appointed as an Independent Person unless the position has been advertised, the person has submitted an application to fill the vacancy and the person's appointment has been approved by a majority of members of the Council (see section 28(8)(c) Localism Act 2011).
- 2.12 An advertisement advising of the position was placed on the Council's website during September 2023. Lucy Richards was shortlisted but asked for her interview to be put back to early in 2024.
- 2.13 In January 2024, she was interviewed by a panel consisting of the Associate Director Legal and Democratic Services (Monitoring Officer), the Committee and Election Services Manager and Principal Lawyer (Property).
- 2.13 Following this recruitment exercise it is recommended that Council appoint Mrs Lucy Richards to act as a third Independent Person for a four year term of office commencing immediately as she has already completed statutory training. Mrs Richards has significant experience of dealing with complex complaints and personnel matters during her many years of employment in the private sector and has the transferable skills that are considered a good match for the role.

3 Options and Reasons for Recommendations

- 3.1 The following two options have been identified for consideration:
- Option 1: To appoint Mrs Lucy Richards as Independent Persons for a period of 4 years.
Option 2: To not appoint a third Independent Person.
- 3.2 Option 1 provides for a greater degree of resilience and capacity and for this reason Option 1 is the recommended option.

4 Policy/Budget Reference and Implications

- 4.1 This report does not align directly to any of the priorities in the Council Plan. In accordance with the Localism Act 2011 the Authority has a statutory duty to promote and maintain high standards of conduct by members of the authority.

5 Financial Implications

- 5.1 There are no additional resource requirements. Any claims for allowances and expenses would be covered by the Members' budget.

6 Legal Implications

- 6.1 Legal implications are contained in the body of the report.

7 Equal Opportunities Implications

None

8 Recommendations

8.1 That pursuant to the requirements of the Localism Act 2011 Council:

- i) appoint Mrs Lucy Richards to the position of Independent Person for a four year period to 31st May 2028

Background papers

The Localism Act 2011

The Local Authorities (Standing Orders) (England) Regulations 2001