

Council Meeting	Agenda Item:
Meeting Date	20 September 2017
Report Title	Appointment of Independent Persons
Cabinet Member	CLlr Andrew Bowles, Leader
SMT Lead	Donna Price, Monitoring Officer
Head of Service	Not applicable
Lead Officer	Donna Price, Monitoring Officer
Key Decision	No
Classification	Open with restricted appendix which is not for publication by virtue of paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 as it contains information relating to an individual.
Forward Plan	Reference number: N/A
Recommendations	<ol style="list-style-type: none"> 1. Council approve the appointment of Christopher Webb and Patricia Richards as the Council's Independent Persons for a period of four years until 30 September 2021, subject to satisfactory references being received. 2. That delegated authority be given to the Monitoring Officer in consultation with the Chairman of the Standards Committee to confirm the appointment following consideration of references. 3. That the Council record a vote of thanks to Sally Pirie, the outgoing Independent Person for her service over the last five years.

1 Purpose of Report and Executive Summary

- 1.1 The Localism Act 2011 places a statutory duty on the Council to appoint an Independent Person as part of the Council's Standards regime.
- 1.2 Following the resignation of the current Independent Person, Sally Pieri, in June of this year it has been necessary to recruit a replacement to the position.
- 1.3 The purpose of this report is to seek Council approval to appoint both Christopher Webb and Patricia Richards as Independent Persons for a period of four years until 30 September 2021 and to record a vote of thanks to Sally Pieri, the outgoing Independent Person, for her service over the last five years.

2 Background

- 2.1 Section 28 of the Localism Act 2011 sets out the requirements for the appointment of the Independent Person. A person is considered not to be independent, and is therefore precluded from being appointed, if s/he is, or has been in the last five years, an elected or co-opted Member or an Officer of the Borough Council or any of the Parish Councils within its area or is a relative or close friend of such a person. There are no other restrictions to the appointment, including to the length of such appointment.
- 2.2 The appointed Independent Person must be consulted by the authority before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of the Member. In addition they may be consulted by the authority in respect of a standards complaint at any other stage in the process and may also be consulted by a Member or co-opted Member of the Borough Council or Parish Council against whom a complain has been made.
- 2.3 The Independent Person must be appointed through a process of public advisement, application and appointment by a positive vote of a majority of all Members of the Borough Council (not just those present and voting).
- 2.4 The original decision made by Council in 2012 was to appoint two Independent Persons to ensure resilience, however, at that time the level of response was low and it was not possible to appoint a second Independent Person beyond the end of the transitional arrangement period from the previous standards regime. Following the resignation of Sally Pirie it was decided by the Monitoring Officer in consultation with the Chair of the Standards Committee to again attempt to appoint two individuals to the post.
- 2.5 The position was advertised in the local newspaper and on the Council's website and seven applications were received all of which were invited to interview. During interview applicants were asked to provide evidence as to their suitability to carry out the tasks of an Independent Person in relation to the following criteria:
- No political affiliation
 - No close relationship with a Councillor or Officer of Swale Borough Council or the surrounding parishes
 - Not a Member or Officer of another Local Authority
 - The approach to the role of Independent Person and the way independent judgement would be exercised
 - Willingness to comply with the Council's Code of Conduct, if required
 - Motivation for application
- 2.6 Interviews were conducted by the Monitoring Officer and the Chairman of the Standards Committee and took place on 31 August and 6 September. The calibre of the applicants was extremely high, however, the proposed appointees

scored highest against the criteria. In addition we are satisfied that they meet the criteria for independence laid down in the legislation. Brief details of the successful applicants are contained in the attached confidential Appendix.

3 Proposals

- 3.1 In order that the Council complies with its legal obligations it is recommended that Council approve the appointment of Christopher Webb and Patricia Richards as Independent Persons for a period of four years to 30 September 2021.

4 Alternative Options

- 4.1 The Council could appoint only one Independent Person to satisfy the requirements of the Localism Act. This is not recommended as previous experience has shown that failure to build in resilience can cause delay in dealing with complaints due to non availability and can leave the Council vulnerable should the Independent Person choose to step down from the position.

5 Consultation Undertaken or Proposed

- 5.1 Consultation took place with the Chairman of the Standards Committee.

6 Implications

Issue	Implications
Corporate Plan	The appointment of the Independent Persons enables the Council to demonstrate good governance and discharge its duty to promote and maintain high standards of conduct.
Financial, Resource and Property	The appointed Independent Persons will receive an annual retainer of £1000 and can claim travelling and subsistence expenses at the same rate as elected members.
Legal and Statutory	The legal implications are set out within the body of the report and the suggested appointments comply with the requirements of sections 28 (7) and (8) of the Localism Act 2011.
Crime and Disorder	None identified at this stage.
Environmental Sustainability	None identified at this stage.
Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	Risks of non compliance with legal requirements will be mitigated by the actions suggested in the recommendations to the report.

Equality and Diversity	No adverse equality or diversity implications, procedures apply equally to everyone.
Privacy and Data Protection	There are no implications as the personal information contained in the report is in the exempt appendix and is therefore compliant with data protection legislation.

7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix I: **Confidential** – details of persons recommended for appointment as Independent Persons.