

**Appointment of Independent Persons
2 March 2016**

Report of the Monitoring Officer

PURPOSE OF REPORT

To enable Council to consider a recommendation for the appointment of independent persons in accordance with the Localism Act 2011.

This report is public

RECOMMENDATIONS

- (1) That Jacqueline Waring be appointed as the lead Independent Person and Gerald Callen as the deputy Independent Person, and that it be noted that David Jordison remain as a reserve Independent Person.**

1.0 Introduction

- 1.1 The Localism Act 2011 requires the Council's arrangements for dealing with complaints of breach of the Code of Conduct to include provision for the appointment by the Council of at least one Independent Person, who must be appointed through a process of public advertisement, application, and appointment by a positive vote of a majority of all members of the Council (not just of those present and voting).
- 1.2 The Independent Person must be consulted before the Council 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 that member. The Independent Person may be consulted by the Council in respect of a standards complaint at any other stage, and may be consulted by a member or co-opted member of the Council or of a parish council against whom a complaint has been made. The Committee's arrangements for dealing with complaints require the Independent Person to be consulted before a complaint is referred for investigation.
- 1.3 Transitional arrangements when the Localism Act 2011 was implemented enabled the Council to appoint as its Independent Persons, three persons who had been independent members of the Standards Committee under the previous standards regime. Of these, two continued in the role, and were confirmed by Council in May 2015 for the current municipal year – Mr Tony James, the former independent vice-chairman of the Standards Committee as the "lead" independent person, and Mr David Jordison, a former independent member of the Committee as the "reserve" independent person.
- 1.4 However, Council in May 2015 recognised that, given the long service of Mr

James and Mr Jordison, it would be good practice to recruit an additional independent person, in order to ensure continuity for the future. Council therefore authorised the Monitoring Officer to undertake a recruitment process, and noted that members of the Standards Committee would be involved in shortlisting and interviewing, and that Council would then be asked to consider any recommendation for appointment.

- 1.5 Subsequently, Mr James submitted his resignation with effect from the 28th February 2016.
- 1.6 The recruitment process was commenced in December 2015. The Standards Committee established a panel comprising Councillor Hartley (Chairman of the Committee), Councillor Mace (Vice-Chairman of the Committee) and Councillor Scott, to interview applicants for the role.
- 1.7 The recommendation of the panel is that Jacqueline Waring be appointed as the lead Independent Person and Gerald Callen as the deputy Independent Person. Mr Jordison has indicated that he would be happy to remain as a reserve Independent Person.
- 1.8 Jacqueline Waring is a resident of Heysham, having moved to the area from Rishton. She is a retired local government officer with a background in HR, and worked for Blackburn with Darwen Council. She is now on the board of Twin Valley, a social housing provider based in east Lancashire.
- 1.9 Gerald Callen is also a resident of Heysham, having moved to the area from Colchester. He is retired from a career in public sector finance and administration, having been employed by a number of local authorities, the NHS, and latterly the Trinity House Lighthouse Service.

2.0 Proposal Details

- 2.1 Council is recommended to appoint Jacqueline Waring as the lead Independent Person and Gerald Callen as the deputy Independent Person, and to note that David Jordison will remain as a reserve Independent Person. The appointment of Independent Person is for an indefinite period, but may be terminated by either party at any time.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None directly arising from this report. As required by the Localism Act 2011, the appointments have been made following public advertisement.

LEGAL IMPLICATIONS

The Council is required to appoint at least one Independent Person, and it is good practice to have more than one to cover absence or conflicts of interest.

FINANCIAL IMPLICATIONS

None directly arising from this report. No allowance is paid to the Independent Person, but travel expenses can be claimed, which can be met from existing budgets.

OTHER RESOURCE IMPLICATIONS**Human Resources:**

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has prepared the report as the adviser to the Standards Committee.

BACKGROUND PAPERS

None

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