

**Appointment of Independent Person(s)
17 July 2019**

Report of the Monitoring Officer

PURPOSE OF REPORT

To enable the Council to consider the arrangements for the appointment of one or more Independent Persons.

This report is Public.

RECOMMENDATIONS

- (1) That Council authorises the Monitoring Officer to commence, in accordance with s28 of the Localism Act 2011, the recruitment process in respect of the appointment of further Independent Person(s) for the Council's Standards Committee.**
- (2) That a letter of thanks be sent to Gerald Callen in recognition of his services as 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 requirement for the appointment of "*at least one Independent Person*" recognises that there may be occasions where an appointed Independent Person is unable to act. By way of example, there may be a conflict of interest or personal circumstances that prevents an Independent Person from acting.
- 1.3 A review by the Committee on Standards in Public life, dated January 2019, recommended to the Government that local authorities should have access to at least two Independent Persons.
- 1.3 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.

1.4 On 2nd March 2016 Council resolved, in respect of Standards matters, that Jacqueline Waring be appointed as lead Independent Person; that Gerald Callen be appointed as deputy Independent Person and that David Jordison remain as a reserve Independent Person.

1.5 Mr Callen informed the Council on 12 June 2019 that he is unable to continue to act as an Independent Person. Mr Jordison has recently been contacted in order to ascertain his willingness to continue as an Independent Person. At present, it is unclear whether or not he wishes to continue in his role. It is understood that Ms Wearing is still willing to assist the Council as an Independent Person.

2.0 Proposal for recruitment of further Independent Person(s)

2.1 As the appointment of Independent Persons is a matter for Council, the Monitoring Officer seeks, at this stage, approval to commence the recruitment process (in accordance with the Localism Act 2011) in respect of the appointment of further Independent Persons.

2.2 On receipt of appropriate applications, the Monitoring Officer, shall invite the Standards Committee to establish an interview panel for the purpose of interviewing suitable candidates.

2.3 Should Standards Committee, following an interview process, identify suitable candidates, then Council will be asked by report of the Committee to consider their recommendation for appointment.

5.0 Conclusion

5.1 Council is asked to approve the two recommendations set out in this report.

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

None directly arising from this report.

LEGAL IMPLICATIONS

There are no legal implications stemming from this report.
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FINANCIAL IMPLICATIONS

Limited to modest expenditure in respect of recruitment and expenses of the appointed Independent Person(s) which will be met from within existing resources.

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 report has been prepared by the Monitoring Officer.

BACKGROUND PAPERS

None

Contact Officer: Mr Rephael Walmsley

Telephone: 01524 582021

E-mail: Rwalmsley@lancaster.gov.uk

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