

Report to	-	Audit and Standards Committee
Date	-	26 June 2017
Report of the	-	Monitoring Officer
Subject	-	Independent Persons – Recruitment

Recommendation to COUNCIL: That the three recommended Independent Persons be appointed as this Council's Independent Persons in accordance with Chapter 7, Section 28 of the Localism Act 2011, for a term of 4 years commencing from 11 July 2017.

Service Manager: John Collins

Introduction

1. As Members will recall at the last meeting held on 15 May, the Committee were advised of the need to appoint Independent Persons to assist with the standards complaints process in accordance with the Localism Act 2011.
2. The Committee nominated two Members of the Committee together with the Monitoring Officer to comprise a panel to interview the suitable applicants and make a recommendation, via this meeting of the Audit and Standards Committee on 26 June and then onto full Council on 10 July 2017.

Publicity

3. The Independent Persons vacancies were advertised on the Council's website and notified to all Councillors and all Parish and Town Councils within the Rother area. A person may not be appointed as an Independent Person if that person:-
 - (a) Is a member, or co-opted member or officer of Rother District Council or its parish councils;
 - (b) Has been a member, or co-opted member or officer of Rother District Council or its parish councils in the previous 5 years;
 - (c) Is a relative or close friend of a person who is an officer or member of Rother District Council or its parish councils.

Selection and Interview Panel

4. At the closing date, 8 applications had been received. The Panel met on 21 June 2017 (with Councillor Barnes making up the Member input) and 5 candidates were invited to attend for an interview.
5. The decision of the Panel is outlined below in order that the Committee can then make a recommendation to full Council on 10 July 2017. Under the

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Localism Act, a person may not be appointed under the provision required by subsection unless —

- (i) the vacancy for an independent person has been advertised in such manner as the authority considers is likely to bring it to the attention of the public,
- (ii) the person has submitted an application to fill the vacancy to the authority, and
- (iii) the person's appointment has been approved by a majority of the members of the authority.

Appointments

- 6. Having interviewed a number of very good candidates we are confident of making the recommendation to appoint the candidates listed below. The proposal from this selection process is to appoint three Independent Persons, rather than the two current posts.
- 7. Members may recall the changes brought in 2015 (the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) around investigation of allegations against Statutory Post Holders (reported to both Licensing and General Purposes Committee and Cabinet in 2015). Under these Regulations the Independent Persons have a significant role and the ability to have a larger number of IPs is viewed as important, though not critical. It is also likely that we would have succession issues over the period of these appointments. Whilst it is no longer a legal requirement to replacing existing Independent Persons it is considered appropriate that they do not hold office for more than two terms, unless there are exceptional circumstances. The cost of this extra appointment is minimal.
- 8. Therefore the Committees agreement is sought to appoint the following:
 - 1) Susan Fellows – current Independent Person
 - 2) Jan Gray – current Independent Person
 - 3) Robert Tye – new appointment to Independent Persons

Conclusion

- 9. It is requirement of the Localism Act and the Standards regime that the Council appoints Independent Person(s) to assist with the investigation and determination of complaints made against elected Members and Statutory post holders. These appointments will give us continuity and range of options to meet this requirement. If agreed, these nominations will be submitted to the full Council to be held on Monday 10 July.

John Collins

Service Manager – Corporate and Human Resources and Monitoring Officer

Risk Assessment Statement

Failure to appoint Independent Persons would put the Council in breach of Chapter 7, Section 28 of the Localism Act 2011 and the Council would be unable to operate the investigation and determination of complaints in accordance with set procedures.