

Rother District Council

Report to: Audit and Standards Committee

Date: 7 December 2020

Title: Independent Person Recruitment

Report of: Lisa Cooper, Monitoring Officer

Purpose of Report: To agree the process for the recruitment of two Independent Persons to take office in July 2021.

Officer

Recommendation(s): It be **RESOLVED:** That:

- 1) the proposed arrangements for the recruitment of two Independent Persons for a term of four years be approved;
 - 2) an Interview Panel be appointed comprising the Monitoring Officer, the Chairman of the Audit and Standards Committee and the Chief Executive; and
 - 3) the proposed appointees be recommended to the Audit and Standards Committee in March 2021 for onward recommendation to Council on 17 May 2021 to take effect from 12 July 2021.
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Introduction

1. The Localism Act 2011, Chapter 7, Section 28 places a duty on the Council to appoint one or more Independent Persons (IPs) to assist the Council in the consideration of complaints against elected Members.
2. The Council currently has three IPs, Mrs Rose Durban, Mrs Susan Fellows and Mrs Jan Gray; the most recent appointment, Mrs Durban having been appointed in December 2019.
3. Mrs Susan Fellows and Mrs Jan Gray's terms of office expire on 11 July 2021 and are not renewable under the terms of the Localism Act as both will have served eight years by July 2021. Having a restricted tenure does ensure that the judgment and independence of the IPs is not compromised by a long period of involvement in a single authority.
4. If the Council wishes to retain three IPs, it will be necessary to commence the recruitment process in the new year to appoint two IPs to take up office from July 2021. This report sets out the proposed arrangements for the recruitment process.

The Localism Act Requirements

5. Under the Localism Act the IPs are appointed for the following purposes:
 - To give the Council views on any allegations it has decided to investigate, before a decision is reached.

- At the discretion of the Council, to give the Council views on any other allegations.
 - At the discretion of a Member, Co-opted Member or Member of a Parish or Town Council, to give the Member views on any allegations relating to the behaviour of that Member.
6. A person may not be appointed as an IP if that person:
- Is a Member, or co-opted Member or officer of Rother District Council or its Parish and Town Councils;
 - Has been a Member, or co-opted Member or officer of Rother District Council or its Parish and Town Councils in the previous five years;
 - Is a relative or close friend of a person who is an officer or Member of Rother District Council or its Parish and Councils.
7. A person may not be appointed unless:
- The vacancy for an IP has been advertised in such manner as the authority considers is likely to bring it to the attention of the public.
 - The person has submitted an application to fill the vacancy to the authority.
 - The person's appointment has been approved by a majority of the Members of the authority.
8. The IPs also have a statutory role under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 concerning disciplinary procedures that involve one of the three statutory Local Government post-holders; these posts being the Head of Paid Service (Chief Executive), Section 151 Officer and Monitoring Officer. A decision to make a binding recommendation on disciplinary action against a statutory post-holder will be taken transparently by full Council, who must consider any advice, views or recommendations from an independent panel, of at least two persons, comprising the IPs appointed under section 28(7) of the Localism Act 2011.

Considerations

9. The proposed Role Description and Person Specification that forms part of the recruitment pack is attached at Appendix A for Members' information. The existing IPs were consulted in the formulation of these documents and agree that they reflect the requirements of the post and post-holder. It is recommended that the term of office remain fixed for four years, renewable only once as per the current arrangements.
10. Currently the IPs receive an allowance of £361 per annum, paid over 12 months. This rate was recommended by the Independent Remuneration Panel to apply from 2019 and represented a 2% increase on the previous rate. This rate is not subject to an annual increase.
11. In the new year, it is proposed that an advert for two IPs is placed on the Council's website and highlighted through social media messages and 'MyAlerts' inviting applications with a closing date of Friday 29 January 2021. The vacancy will also be notified to all Councillors and all Parish and Town Councils within the Rother area. Following the last recruitment exercise in November / December 2019, there were a number of excellent candidates who attended for interview but who were unsuccessful; it is proposed that these

candidates are contacted and invited for a further interview, without the need to reapply, unless they wish to do so and update their application, should they still be interested in one of the positions.

12. It is recommended that the Chairman of the Audit and Standards Committee (A&SC), or his nominee, and the Chief Executive together with the Monitoring Officer comprise a panel to interview suitable applicants during the week commencing 15 February 2021 and make a recommendation, via the next meeting of the Audit and Standards Committee on 22 March and then onto full Council on 17 May 2021.

Conclusion

13. If the Council wishes to retain three IPs, it is necessary for the Council to recruit to the two IP positions that will become available with effect from 12 July 2021. Any appointment made will be for a four year term of office, renewable only once.
14. Suitable candidates will be interviewed by a Panel comprising the Chairman of the A&SC (or his nominee), the Chief Executive and the Monitoring Officer.
15. The Panel will make a recommendation to the Audit and Standards Committee at the March meeting for onward recommendation to full Council on 17 May 2021.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		

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Appendices:	Appendix A – Role Profile Appendix B – Person Specification
Relevant Previous Minutes:	None.
Background Papers:	None.
Reference Documents:	The Localism Act 2011, Chapter 7, Section 28

ROLE PROFILE

Responsible to: The Monitoring Officer and the Council.

Liaison with: Members and co-opted Members and Officers of Rother District Council, the other appointed Independent Persons and Parish and Town Councils within the district, where necessary.

Responsibilities:

1. To attend and participate in meetings of the Audit and Standards Committee and any sub-committees or associated meetings in an advisory capacity when the Committee is considering standards related matters.
2. To provide advice to Members and Co-opted Members about whom a conduct complaint has been received and specifically to discharge the functions detailed in Section 28(7) of the Localism Act 2011.
3. To assist in the promotion and maintenance of high standards of conduct by Members.
4. To develop and apply knowledge of the Code of Conduct in relation to any and all matters relating to standards, including the assessment and determination of allegations of Member misconduct under the Code of Conduct.
5. To analyse and exercise fair and impartial judgement and decision making on conduct issues.
6. To consult, liaise and maintain a professional working relationship with the Council's Monitoring Officer, his / her appointed deputies and other officers of the Council.
7. To provide a view on the governance of the Council and the 31 Parish and Town Councils from an external perspective that will better enable the Council to assess conduct and standards issues.
8. To develop a firm understanding of the standards and wider governance framework within which the Council operates.
9. To participate in training events relevant to the work of standards within the Council and Parish and Town Councils when appropriate.
10. To attend meetings of the Council when required and other functions in order to raise the profile of standards within Rother District.
11. To participate in any forum established for Independent Persons, where possible.
12. In relation to 1 and 2 above to assist neighbouring principal councils on an ad hoc basis, if necessary.
13. To act as a member of an independent panel convened in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

in connection with disciplinary procedures involving the Head of Paid Service, Section 151 Officer or Monitoring Officer.

14. To undertake such other responsibilities as the Monitoring Officer considers reasonably commensurate with the position.

ROTHER DISTRICT COUNCIL
PERSON SPECIFICATION
INDEPENDENT PERSON (Localism Act 2011 – Standards)

	Essential	Desirable	How Measured
Localism Act 2011 Criteria	Applicants must comply with the definition of an Independent Person as detailed in the Localism Act 2011, Part 1, Chapter 7, Section 28 (8) and (10).		Application.
Experience	Over 18 years of age.	Experience of serving in or working for local or national government and/or legal system, tribunals or other quasi-judicial bodies.	Application and Interview.
Education/Training	No specific qualifications required.		
Skills/Knowledge	<p>Commitment to public service.</p> <p>Ability to critically assess written and oral evidence to reach a balanced and objective decision.</p> <p>Ability to absorb key information from complex reports.</p> <p>Ability to communicate effectively with a wide range of people, Councillors and Council officers.</p> <p>Demonstrate excellent listening,</p>	<p>Knowledge of how local government operates and an awareness of the role of elected Members.</p> <p>General understanding of the principles of the Members' code of conduct and standards regime.</p> <p>Knowledge of rules of natural justice.</p>	Application and Interview.

	<p>problem solving and evaluation skills.</p> <p>Demonstrate tact, diplomacy and impartiality.</p> <p>Computer literacy.</p> <p>Ability to offer objective advice to both officers and Members.</p>		
Personal Qualities	<p>Personal Integrity.</p> <p>Commitment to upholding high standards.</p> <p>Independence of mind – ability to form a view on the basis of facts and not to be swayed by others and act objectively.</p> <p>Commitment to confidentiality in appropriate circumstances.</p> <p>Ability and willingness to work with other Members of other local councils, their committees/panels and officers, if required.</p> <p>Reliable and committed.</p>	<p>Exercise persuasion and influence.</p> <p>Think logically, seeking and receiving advice where appropriate.</p>	Application and interview.
Working Arrangements	<p>Ability to attend* various evening / daytime meetings with fluctuating frequency and sometimes at short notice.</p>	<p>Ability to identify potential conflicts of interest during working role.</p>	Application and interview.

	<p>To be available for and respond to consultation as and when required, and sometimes at short notice.</p> <p>Attend training events and other forums as and when required.</p>		
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*currently all formal meetings are being conducted via MS Teams and is likely to remain on this platform for some time, legislation permitting. Currently the legislation allowing remote meetings expires in May 2021, so any new IP appointed from July 2021 may not be expected to join meetings remotely.