



Council – 18 July 2016

Re-appointment of Independent Person

Purpose of report

To enable the Council to reappoint an Independent Person and Reserve Independent Person to advise on standards matters as required by the Localism Act 2011.

Attachment(s): None

1.0 Background

- 1.1 The Localism Act 2011 requires that the Council should appoint at least one Independent Person who 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. The Independent Person may be consulted by the authority in respect of a standards complaint at any other stage or by a member or co-opted member of the District Council or of a Parish Council against whom a complaint has been made.
- 1.2 In July 2012 it was agreed that this Council would appoint one person to carry out the duties of an Independent Person in relation to its adopted procedure for dealing with Complaints against Councillors. It was also agreed to appoint a Reserve Independent Person to act if the Independent Person is unavailable to act due to illness or holiday or other circumstance (including conflict of interest in the case of appeals). It was agreed that the independent person and reserved independent person could serve for a maximum of two terms of four years.
- 1.3 In accordance with Part 9 of the Constitution, the position of Independent Person was advertised in the Nene Valley News. Following interviews undertaken by the seven ENC representatives, Vivian Barnard was appointed as independent Person and Andrew Sortwell was appointed Reserve Independent Person on the Joint Standards Complaints Committee.

2.0 Proposal to reappoint

- 2.1 The Independent Person and their reserve have provided invaluable and independent advice in the assessment of the complaints against alleged councillor code of conduct. They have also undertaken training and regularly attended the Joint Standards Complaints Committee meetings. We are therefore seeking their reappointment for their second term of office.

3.0 Equality and Diversity Implications

- 3.1 There are no known equalities issues arising from this report.

4.0 Legal Implications

- 4.1 The appointment of the Independent Persons is necessary in order to comply with the Localism Act 2011 and related regulations.

5.0 Risk Management

- 5.1 The proposals in this report reduce the risk of non-compliance with legislation, particularly the Localism Act 2011, and reduce the risk of a legal challenge.

6.0 Financial Implications

6.1 There are no known additional financial implications arising from implementation of these changes.

7.0 Corporate Outcomes

7.1 The duty to promote high standards of ethical governance links to the following Corporate Outcomes:

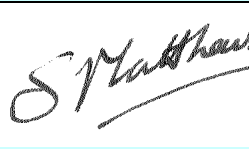
- Employees and members with the Right Knowledge, Skills and Behaviours
- Effective Management – legal compliance

8.0 Recommendations

8.1 Council is asked to:

- a) Agree the reappointment of Vivian Barnard as Independent Person and Andrew Sortwell as Reserve Independent Person for a four year term of office.

(Reason: To enable the council to comply with the provisions of the Localism Act 2011).

Legal	Power: 1972 Local Government Act as amended by subsequent legislation, Localism Act 2011 and related regulations				
	Other considerations: Council Constitution				
Background Papers:					
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Date: 06/07/16					
CFO		MO 06/07/16		CX	

(Committee Report Normal Rev. 22)