

APPOINTMENT OF INDEPENDENT PERSONS

Cabinet Member(s): Cllr Bob Deed, Leader of the Council and Cllr Nikki Woollatt, Cabinet Member for the Working Environment and Support Services

Responsible Officer: Kathryn Tebbey, Group Manager for Legal Services and Monitoring Officer

Reason for Report: to appoint an additional Independent Person

RECOMMENDATION: that

- (a) **Mr Rob Jeanes be appointed as the Council's second Independent Person for a term of 4 years to 1 January 2024; and**
- (b) **Delegated authority be given to the Monitoring Officer to re-appoint Mr John Smith as an Independent Person from 14th December 2020, should he be willing to continue in the role at that time, such appointment (if made) to be for a term of 4 years to 14 December 2024.**

Financial Implications: the Council's agreed remuneration of an Independent Person is £500 per annum plus travelling expenses.

Legal Implications: the Council must, under the Localism Act 2011, appoint at least one Independent Person to advise and support the Monitoring Officer and the Council in dealing with code of conduct complaints and standards generally. The Council already has one Independent Person, Mr John Smith, who was appointed in 2016. Certain roles are performed by the Independent Person - and it is important that absence or conflict of interest does not prevent an Independent Person from being available to perform those roles. For that reason, and for resilience purposes, it is desirable to have at least two Independent Persons at any one time.

Risk Assessment: Without an additional appointment, there is a risk that an Independent Person would not be available to provide advice and support on a complaint at a particular moment in time. Whilst it is theoretically possible to 'borrow' an Independent Person from another Council on a temporary basis, this overlooks the advantage of building up a working relationship over time with the individual concerned.

Equality Impact Assessment: None directly arising.

Relationship to Corporate Plan: None directly arising.

Impact on Climate Change: None directly arising.

1.0 Introduction

- 1.1 The Independent Person is a creation of the Localism Act 2011. Their statutory role is centred on the arrangements which the Council must put in place for making decisions on allegations of failure to comply with the Code of Conduct. The Independent Person must be consulted by the Monitoring Officer before making a decision on a complaint and, if it goes to a hearing, by the Standards Sub-Committee.
- 1.2 The Council must have at least one Independent Person, but there is no bar to appointing more than one. By appointing two or more Independent Persons, the Council can ensure that it always has an Independent Person available who is familiar with the Council's own processes and expectations.
- 1.3 On 14 December 2016, the Council appointed two Independent Persons, namely Mr John Smith and Mr David Williamson. Due to other commitments, Mr Williamson stood down in 2018. Informal arrangements were put in place with neighbouring authorities in the event of needing standby support from one of their Independent Persons, but it has been recognised that this is not a long-term solution. Accordingly, a further appointment is recommended.

2.0 Recommended appointment

- 2.1 The Monitoring Officer and the Member Services Manager interviewed three applicants in December 2019. All three performed well, but one subsequently withdrew their candidacy for personal reasons.
- 2.2 Mr Rob Jeanes is already an Independent Person with North Devon Council where he was first appointed in 2012. He has extensive past experience of governance and audit in the retail banking sector. He also sits as a lay person on the Schools Appeal Panel of Devon County Council. It is recommended that he be appointed for a period of 4 years to 1 January 2024.

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Circulation of the Report: Cabinet Member

List of Background Papers: None.