

ARRANGEMENTS FOR THE APPOINTMENT OF INDEPENDENT PERSON(S)

- To:** Constitution and Ethics Committee
- Meeting Date:** 19 April 2016
- From:** The Monitoring Officer
- Electoral division(s):** All
- Purpose:** To consider what arrangements for the appointment of an Independent Person or Persons should be recommended to Council in preparation for the expiry of the current appointments on 15 October 2016
- Recommendation:** That the Committee recommend to Council that
- (a) Council authorise the Monitoring Officer, in consultation with the Chairman/woman of the Constitution and Ethics Committee, to take all necessary steps towards the selection of a suitable candidate to be recommended to Full Council for appointment as an Independent Person
 - (b) Council set the level of remuneration for each independent person so that it can be included in information supplied to applicants for the post of independent person
 - (c) the level of remuneration to each independent person remain at £500 a year plus expenses
 - (d) Council extend the current appointment of Sean Brady and Gillian Holmes as Independent Persons to 18 October 2016.

<i>Officer contact:</i>	
Name:	Quentin Baker
Post:	Director of Law, Procurement & Governance and Monitoring Officer
Email:	quentin.baker@cambridgeshire.gov.uk
Tel:	01223 727961

1. BACKGROUND

1.1 Legal framework

- 1.1.1 Chapter 7 of the Localism Act 2011 sets out the duty of a local authority to promote and maintain high standards of conduct by members and co-opted members of the authority.
- 1.1.2 Section 28 of the Act, on codes of conduct, requires an authority to provide for the appointment of at least one independent person whose views will be sought and taken into account in connection with the process for dealing with allegations that members have breached the code.
- 1.1.3 Section 28 sets out those persons who would not be considered to be independent, who include members, co-opted members and officers of the authority and their relatives and close friends. However, it provides that the person(s) appointed do not cease to be independent as a result of being paid allowances or expenses for performing the duties of the appointment.
- 1.1.4 Section 28 also sets out the conditions for the process of appointing such persons. These conditions are that
 - i. the vacancy 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.

1.2 Local implementation

- 1.2.1 At an early stage of making arrangements to implement the Localism Act 2011, the Standards Committee concluded that it would be sensible to appoint two independent persons, in case one was not available, or already had prior knowledge of a complaint or the parties to the complaint. Full Council in July 2012 authorised 'the Monitoring Officer, in consultation with the Chairman of the Constitution and Ethics Committee, to take all necessary steps towards the selection of a suitable candidate to be recommended to Full Council for appointment as an Independent Person'.
- 1.2.2 A panel composed of members of the Constitution and Ethics Committee conducted the recruitment exercise, advertising the posts in the local press and on the Council's website, shortlisting applications, and interviewing shortlisted candidates. The panel recommended to Constitution and Ethics Committee in September 2012 that Sean Brady and Gillian Holmes be appointed, and the Committee recommended their appointment to Council.
- 1.2.3 On 16 October 2012, Full Council agreed to appoint Sean Brady and Gillian Holmes to the role of Independent Person for Cambridgeshire County Council with immediate effect for a period of one year, and to delegate to the Constitution and Ethics Committee the power to extend these appointments for up to a further three years thereafter. The Committee exercised that power on 7 November 2013, extending the appointments to 15th October 2016.

- 1.2.4 Because independent persons are not members or co-opted members of Council, their remuneration falls outside the Members' Allowances Scheme, and can be determined without reference to an Independent Remuneration Panel. The current independent persons receive an annual allowance of £500 each.
- 1.2.5 The 2012 recruitment exercise had been conducted jointly with the Cambridgeshire and Peterborough Fire Authority, who also appointed Sean Brady and Gillian Holmes to the role of Independent Person in October 2012. This appointment is also due to expire in October 2016.

2. CURRENT ISSUES

- 2.1 Arrangements are needed for Full Council to appoint one or more independent persons beyond 15 October 2016. The remuneration of these appointees must also be agreed.
- 2.2 In addition to a flat annual fee of £500, the current independent persons have their travelling and other expenses reimbursed whenever they are required to conduct Council business. In view of the pressure on Council budgets and the low level of public sector pay increases, the Committee may take the view that there should be no change to this level of remuneration.
- 2.3 Authority for agreeing all aspects of the appointment and remuneration of independent persons rests with Full Council. The Committee may wish to consider whether to recommend to Council that any elements of the arrangements be delegated to the Constitution and Ethics Committee on a standing basis. Responsibility for appointing the independent person(s) rests with Council and cannot be delegated.
- 2.4 The present terms of reference for the Committee are attached as Appendix A.

3. TIMELINE

- 3.1 Full Council meets on 10 May, 19 July and 18 October 2016. It is suggested that the recommendations of this report be presented to Council in May, and the recommended names for appointment be presented to Council in October.
- 3.2 If the gap of three days between the expiry of the present appointments on 15 October and the Council meeting on 18 October is unacceptable, one remedy would be to extend the present appointments by three days. The alternative would be for Council to make the new appointments on 19 July 2016, which would allow little time for the completion of a recruitment exercise that could not start before 10 May 2016.

Source Documents	Location
Chapter 7 of the Localism Act 2011	http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7 .