

**ARRANGEMENTS FOR THE APPOINTMENT OF INDEPENDENT PERSON(S)**

*To:* **Constitution and Ethics Committee**

*Meeting Date:* **24 April 2018**

*From:* **LGSS Director of Law & Governance  
and Monitoring Officer**

*Purpose:* **To note the proposal from the Cambridgeshire and  
Peterborough Combined Authority to set up a panel of  
Independent Persons for Member Complaints from  
amongst Constituent Council Independent Persons.**

*Recommendation:* **The Committee is recommended to not appoint a second  
independent person, at this stage, to replace Mr Sean  
Brady.**

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## **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 with an expiry date of October 2016.
- 1.2.6 At its meeting on 19 April 2016, the Committee received a report inviting it 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. Members were advised that it would be possible for Council to reappoint the existing two people for a further period; there was no requirement in legislation that the posts be advertised again. Both were willing to continue to serve if required, and many other authorities had adopted this course.
- 1.2.7 Following a detailed discussion, the Committee resolved unanimously to recommend to Council that
- (i) Council extend the current appointment of Sean Brady and Gillian Holmes as Independent Persons to 30 October 2019.
  - (ii) the level of remuneration to each independent person remain at £500 a year plus expenses.

## 2. CURRENT ISSUES

2.1 Mr Sean Brady resigned as an independent person in October 2017, which leaves the Council with one independent person.

2.2 The Cambridgeshire and Peterborough Combined Authority, at its meeting on 31 January 2018, agreed the following:

Request the Legal Counsel and Monitoring Officer to seek to set up a panel of Independent Persons for Member Complaints from amongst Constituent Council Independent Persons;

2.3 The establishment of a countywide panel agreed by the Combined Authority will ensure that arrangements are in place to deal with any conflicts of interest which might arise. The Combined Authority's Legal Counsel and Monitoring Officer will be working with the Monitoring Officers of constituent councils to establish a panel to draw from.

2.4 Given the arrangements detailed in Section 2.3, it is not proposed to appoint, at this stage, to appoint a second independent person to replace Mr Sean Brady.

Source Documents	Location
Chapter 7 of the Localism Act 2011	<a href="http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7">http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7</a>
Combined Authority – 31 January 2018	<a href="https://cmis.cambridgeshire.gov.uk/ccs_live/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/706/Committee/42/Default.aspx">https://cmis.cambridgeshire.gov.uk/ccs_live/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/706/Committee/42/Default.aspx</a>