

Decision Maker: COUNCIL

Date: Monday 24 February 2020

Decision Type: Non-Urgent Non-Executive Non-Key

Title: APPOINTMENT OF INDEPENDENT PERSON

Contact Officer: Philippa Gibbs, Deputy Democratic Services Manager
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Chief Officer: Director of Corporate Services

Ward: (All Wards);

1. Reason for report

At its meeting on 31st October 2019, the Standards Committee considered two applications for the role of Independent Person, and decided that both applicants should be interviewed. Since then, one of the applicants has met with the Standards Sub-Committee – comprising the Chairman and Vice-Chairman and current Independent Person and supported by the Monitoring Officer. The Standards Sub-Committee recommended the applicant for appointment. The other applicant has withdrawn from the process.

2. **RECOMMENDATION(S)**

1. That the appointment of Mr Ken Palmer as Independent Person until the end of the current Council in May 2022 be approved.

2. That the appointment of Dr Simon Davey as Independent Person until the end of the current Council in May 2022 be reaffirmed.

3. That Dr Simon Davey and Mr Ken Palmer be co-opted to the Standards Committee.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
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Corporate Policy

1. Policy Status: Not Applicable:
 2. BBB Priority: Excellent Council
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Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £350,650
 5. Source of funding:
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Personnel

1. Number of staff (current and additional): 8 posts (6.67fte)
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Statutory Requirement: Requirement of the Localism Act 2011.
 2. Call-in: Not Applicable:
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Procurement

1. Summary of Procurement Implications: None
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): There is the potential for all 60 Councillors to consult the Independent Person in the event of complaints concerning breaches of the Code of Conduct.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable

3. COMMENTARY

3.1 The statutory role of the Independent Person is as follows:

- They **must** be consulted by the authority before it makes a decision on an allegation of misconduct by a Councillor that it has decided to investigate or before it decides on action to be taken in respect of that Councillor.
- They **may** be consulted by the authority in respect of a standards complaint at any other stage.
- They **may** be consulted by a Councillor or co-opted member against whom a complaint has been made.

3.2 Given the potential conflict between the roles, the Standards Committee are of the opinion that it is appropriate for at least two Independent Persons to be appointed.

3.3 At its meeting on 31st October 2019, the Standards Committee considered applications for the role of Independent Person, and decided that Mr Palmer`s application should go forward for formal interview. On 8th January 2020, the Standards Sub-Committee (comprising the Chairman, Vice-Chairman and current Independent Person and supported by the Monitoring Officer) met to formally interview one of the applicants. Following the interview process the Standards Sub-Committee has unanimously recommended that Mr Ken Palmer be appointed Independent Person.

3.4 Dr Simon Davey was appointed Independent Person by Full Council on 25 June 2012. Dr Davey has confirmed that he is willing to continue in the role to support a handover process and to enable a further recruitment process to be conducted if necessary to ensure sufficient capacity.