

**Decision Maker:**       **COUNCIL**

**Date:**                   **Monday 6 December 2021**

**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 and Governance

**Ward:**                   (All Wards);

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1. Reason for report

On 12<sup>th</sup> November 2021, the Standards Committee interviewed four applicants for the post of Independent Person. The interview process was supported by the Monitoring Officer and at the conclusion of the interviews the Committee decided to offer the position of Independent Person to two of the applicants.

On 24<sup>th</sup> February 2020, Council resolved to appoint Mr Ken Palmer and Dr Simon Davey as Independent Persons to the end of the current Council in May 2022.

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2. **RECOMMENDATION(S)**

1. **That the appointment of Ms Kath Nicholson and Mr Jonathan Farrell as Independent Persons for a four year term, until the end of May 2026 be approved.**
2. **That the appointment of Mr Ken Palmer Independent Person be extended until May 2023.**
3. **That the appointment of Dr Simon Davey Independent Person until the end of the current Council in May 2022 be reaffirmed.**
4. **That Dr Simon Davey, Mr Ken Palmer, Ms Kath Nicholson and Mr Jonathan Farrell 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: £359k
  5. Source of funding:
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### Personnel

1. Number of staff (current and additional): The Monitoring Officer, Deputy Monitoring Officer, Democratic Services Manager and Deputy Democratic Services Manager support the Standards Committee function and liaise with the Independent Person
  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 In addition, the Independent Persons

- Attend Standards Committee
- Are consulted on the outcome of the initial filtering of complaints
- Attend interviews for future Independent Persons
- Comment and advise on training for Members in relation to ethical standards.
- Provide input into Member Induction in relation to standards of conduct training.

3.3 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 On 12<sup>th</sup> November 2021, the Standards Committee interviewed four applicants for the post of Independent Person. The interview process was supported by the Monitoring Officer and at the conclusion of the interviews the Committee decided to offer the position of Independent Person to two of the applicants, Ms Kath Nicholson and Mr Jonathan Farrell.

3.4 On 24<sup>th</sup> February 2020, Council resolved to appoint Mr Ken Palmer and Dr Simon Davey as Independent Persons to the end of the current Council in May 2022. It is being recommended that the appointment of Mr Ken Palmer be extended to May 2023.