

Decision maker: Governance and Audit and Standards Committee
March Council Meeting 2013

Subject: The appointment of Independent Persons for the Municipal
Years 2013 to 2016

Report by: Michael Lawther, Strategic Director and City Solicitor

Wards affected:

**Key decision
(over £250k):** Not applicable

1. Purpose of report

The purpose of the report is to consider:

- 1.1 The appointment of Independent Persons for the period from May 2013 to May 2016 under the provisions of the Localism Act 2011. ("The Act")
- 1.2 To approve the number to be appointed and the procedure for their appointment.

2. Recommendations

- 2.1 That the Committee agrees the procedure for the appointment of Independent Persons as required by the Act, for the period May 2013 to May 2016.
- 2.2 That the Committee agrees the number of Independent Persons to be appointed.

3. Background

- 3.1 On 17 July 2012 the Council agreed to the appointment of five Independent Persons for the remainder of the municipal year.
- 3.2 The people who were appointed had all previously been Independent Members of the Standards Committee. As former Independent Members the Act allowed them to serve for one year only in the new role as Independent Persons. Their period of office expires at Annual Council. The Council is required to have at least one Independent Person. There is therefore a need to consider the arrangements for their successors and also how many Independent Persons should be appointed.

4. Role of the Independent Person

4.1 The Council is required to appoint at least one “Independent Person”. These are persons who must have no connection with the Council.

4.2 They do not have decision-making powers and their role is purely to advise.

Their functions are:

- To be consulted by the Council before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides what action is to be taken in respect of that Member
- They may be consulted by the Council in respect of a Code of Conduct complaint at any other stage; and
- They may be consulted by a Member or co-opted member of the Authority against whom a complaint has been made.

4.3 Of the five Independent Persons who were appointed, three have been asked to assist the City Solicitor with complaints during the year. The task has not been particularly onerous as the Independent Person's role is now rather restricted, as set out above, as it does not involve them in the investigation or determination of complaints. Members may wish to consider the appointment of fewer Independent Persons. It is suggested the number should be no lower than two, in case a conflict of interest arises.

4.4 Prior to consideration of applications for the role last year, the role was advertised on the Council's website and 5 applications were received. This time, to ensure that the role reaches the widest cross-section of the community, it is proposed that it is also advertised in a local newspaper. It is also suggested that the Chair and Vice Chair of Governance and Audit and Standards short-list the candidates who are to be invited for interview. It is suggested that the interview panel is drawn up from a cross-party panel of three Councillors drawn from the Governance and Audit and Standards Committee.

5. Equality Impact Assessment (EIA)

An Equality Impact Assessment is not required as there are no equality issues arising from the recommendations in this report.

6. Head of Legal Services Comments

Legal advice is embodied within this report.

7. Head of Finance's Comments

Not applicable.

.....
Signed by:
City Solicitor

Appendices: Nil

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Constitution of Portsmouth City Council	www.portsmouth.gov.uk