

<b>Title of meeting:</b>	Governance and Audit and Standards Committee
<b>Date of meeting:</b>	1 July 2016
<b>Subject:</b>	Consideration of the appointment of an additional Independent Person
<b>Report by:</b>	City Solicitor
<b>Wards affected:</b>	All
<b>Key decision:</b>	No
<b>Full Council decision:</b>	Yes

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### **1. Purpose of report**

To consider the issues and procedure for the appointment of an additional Independent Person, pursuant to the provisions of Section 28 of the Localism Act 2011.

### **2. Recommendations**

**(1) That Governance & Audit & Standards Committee recommend that Council**

- (i) re-appoints the existing Independent Persons for one year until May 2017**
- (ii) Agrees to increase the number of Independent Persons who can be appointed from 3 to 4**

**(2) That Governance & Audit & Standards Committee agree that**

- (i) Portsmouth City Council advertise for suitable applicants to fill the role/s of an Independent Person/s**
- (ii) An interviewing panel comprising three cross party group members of Governance and Audit and Standards Committee refer the appointments of the successful candidates to Council for approval (through the Committee)**
- (iii) Consideration is given to pay an allowance to each Independent Person in a sum agreed**

### **3. Background**

- 3.1. Following consideration by Governance and Audit and Standards Committee and Council in March 2013, the Council agreed to the appointment of three Independent Persons for a period of 3 years. Following advertisement and

interview, two Independent Persons were appointed. The third position has remained vacant as no suitable candidate was found at that time.

- 3.2. The term of office of the present Independent Persons came to an end in May 2016. It is proposed that their term is renewed for a further year and in the interim an additional two Independent Persons are sought. This will allow for a pool of four Independent Persons which appears to be appropriate, taking into account the number of complaints which have had to be dealt with since their appointment.

#### **4. Reasons for recommendations**

It is hoped that the appointment of additional Independent Persons will help to expedite the establishment of Initial Filtering Panels which have had, in the past, to be delayed, due to the unavailability of Independent Persons and Members.

#### **5. Role of the Independent Person**

- 5.1. The Council is required to appoint at least one Independent Person. These are persons who must have no connection with the Council
- 5.2. They do not have decision making powers and their role is purely to advise.
- 5.3. Their functions are:-
  - 5.3.1. 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;
  - 5.3.2. They may be consulted by the Council in respect of a Code of Conduct complaint at any other stage; and
  - 5.3.3. They may be consulted by a Member or co-opted Member of the Authority against whom a complaint has been made.

#### **6. Procedure for appointment**

It is proposed that the following procedure is followed for the appointment of the independent Persons:

- 6.1. The role is advertised on the Council's website.
- 6.2. An advertisement is placed in a local newspaper.
- 6.3. Applications to be considered by the Chair and Vice Chair of Governance and Audit and Standards Committee who are to produce a shortlist for interview.
- 6.4. An interview panel is drawn up from a cross party group of three councillors drawn from the Governance and Audit and Standards Committee.
- 6.5. The appointment of the successful candidates to be referred to Council for approval.

**7. Remuneration**

Although the Localism Act 2011 does provide that the roles may be remunerated, at present the Council does not pay any allowance for the Independent Persons. Members may wish to consider whether it is appropriate to remunerate this role and if they were to do so, this would encourage a wider field of candidates to apply. At present, expenses may be claimed by the Independent Persons and it is proposed that this provision continues.

**8. Equality impact assessment**

This report does not require an Equality Impact Assessment as it does not propose any new or changed services, policies or strategies.

**9. Legal implications**

The legal implications are embodied within this report.

**10. Director of Finance's comments**

There is no current budget provision for the payment of allowances to Independent Persons. Any allowance would need to come from the existing Members' expenses budget.

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Signed by:

**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