

**Title of meeting:** Governance and Audit and Standards Committee

**Date of meeting:** 8 March 2023

**Subject:** Appointment of Independent Person

**Report by:** City Solicitor

**Wards affected:** N/A

**Key decision:** No

**Full Council decision:** Yes

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## 1. Purpose of report

To consider the re-appointment of an Independent Person whose term of office expires this May 2023, pursuant to the provisions of Section 28 of the Localism Act 2011.

## 2. Recommended that

- 1. The Governance and Audit and Standards Committee recommend to Council to re-appoint Mr John Young as Independent Person for a further three years from 1 May 2023 through to 30 April 2026 and;**
- 2. The Governance and Audit and Standards Committee thank Mr Mark Walsh for his 3 years' service as an Independent Person and;**
- 3. following the Local Elections May 2023, that a new Independent Person is sought to fill the vacant position.**

## 3. Background

- 3.1. Following consideration by Governance and Audit and Standards Committee and Council in March 2018, the Council agreed to the appointment of three Independent Persons for a period of 3 years.
- 3.2. Since these initial appointments Governance and Audit and Standards Committee and Council in March 2020, both increased the number of Independent Persons to five in total.
- 3.3. Following consultation with the two Independent Persons whose terms shall expire May 2023, Mr Young has accepted the offer to continue in the role, whereas Mr Walsh has declined to pursue other interests and opportunities.

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

- 4.1. Independent Persons are required under the Arrangements for Assessment, Investigation and Determination of Complaints made against Councillors.
- 4.2. The role of Independent Person is entirely voluntary, with no remuneration or benefits, the Monitoring Officer and the Council is therefore grateful of those who give their time in supporting the Council in this important process.
- 4.3. It is considered that the re-appointment of the subsequent vacant position will continue to maintain the flexibility to consider member complaints in a timely manner.
- 4.4. That the process to find a suitable person commences in the new municipal year so that the Chair and Vice Chair are appointed for interviews and that the subsequent report be brought to Governance & Audit & Standards Committee to recommend the appointment to a future full Council meeting.

#### **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. To be consulted by the Council in respect of a Code of Conduct complaint at any other stage if required; and
  - 5.3.3. To be consulted by a Member or co-opted Member of the Authority against whom a complaint has been made if required.

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

The procedure for the appointment of the Independent Persons:

- 6.1. The role is advertised on the Council's website for applications (and by invitation should any potential candidates be recommended);
- 6.2. An interview panel comprising the Chair and Vice-Chair of Governance and Audit and Standards Committee together with the Monitoring Officer met to consider shortlisted applicants;

6.3. The successful candidates to be recommended by Governance and Audit and Standards Committee to Council for formal appointment for a three year term.

**7. Remuneration**

Expenses may be claimed by the Independent Person and it is proposed that this provision continues.

**8. Integrated impact assessment**

This report does not require and Integrated 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 are no financial implications arising from the recommendations set out in this report.

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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