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| <b>Title of meeting:</b>      | Governance and Audit and Standards Committee |
| <b>Date of meeting:</b>       | 10 July 2024                                 |
| <b>Subject:</b>               | Re-appointment of Independent Persons        |
| <b>Report by:</b>             | City Solicitor                               |
| <b>Wards affected:</b>        | N/A  |
| <b>Key decision:</b>          | No   |
| <b>Full Council decision:</b> | Yes, 16 <sup>th</sup> July 2024              |

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## 1. Purpose of report

To outline the requirements for, and consider the appointment of, three Independent Persons, pursuant to the provisions of Section 28 of the Localism Act 2011.

## 2. Recommendation

**That Governance & Audit & Standards Committee recommends that Council appoint Chris Rider; Diana Turner and Carole Damper as Independent Persons for three years from 17 July 2024 through to 31 July 2027.**

## 3. Background

- 3.1. The purpose of independent is to provide independent unbiased views on matters pertaining to members' behaviour, the code of conduct and to assist in the consideration of complaints against members.
- 3.2. Following consideration by Governance and Audit and Standards Committee and Council in March 2020, the Council agreed to the appointment of up to five Independent Persons, each for a term of 3 years. The Council currently has one Independent Person appointed, with four vacancies.
- 3.3. The three nominations in this report have previously served as an Independent Person for Portsmouth City Council.

## 4. Reasons for recommendations

- 4.1. Independent Persons are required under the Arrangements for Assessment, Investigation and Determination of Complaints made against Councillors. Where a complaint is made against a member by another member of the Council, the policy requires two Independent Persons.

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 these three experienced people as Independent Persons will provide value and consistency. Furthermore, will enable the Council to maintain the administrative flexibility to be able to consider member complaints in a timely manner.

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

5.1. The Council is required by the Localism Act 2011, to appoint at least one Independent Person. These are persons, must have no connection with the Council. The Council's own Member complaint's arrangement require the appointment of at least two Independent Persons.

5.2. They do not have decision making powers and their role is purely advisory.

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 outlined below was followed for the initial appointment of the Independent Persons recommended in this report:

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 Full Council for formal appointment for a three-year term.

**7. Remuneration**

Expenses, as per members' allowances scheme, 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 |
|-------------------|----------|
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