

Ward: ALL

Portfolio: Cross-cutting

FROM: Deputy Chief Executive and
Monitoring Officer

Date: 15 May 2017

SUBJECT: INDEPENDENT PERSON – RE-APPOINTMENT

Report Sign Off	Seen by:	Name:	Date:
	Legal	Donna Nolan	27.04.17
	Finance	Paul Deal	21.04.17
	Chief Executive	Stuart Brown	28.04.17
Summary:	<p>The Localism Act 2011 requires that the Council should appoint at least one Independent Person who must be consulted by the authority before it makes a finding as to whether a Member has failed to comply with the Code of Conduct for Members.</p> <p>The Standards Committee recommend to Council that Mike Hillman be re-appointed as the Council's Independent Person for further 4 year term.</p> <p>The Standards Committee further recommend to Council that in the event a reserve Independent Person is required that an Independent Person from another Somerset Council is authorised to act.</p>		
Recommendation:	<p>That Council:</p> <ol style="list-style-type: none">1) Re-appoint Mike Hillman as the Council's Independent Person to advise on standards matters as required by the Localism Act 2011 for a further 4 year term.2) Re-confirm that if a reserve Independent Person is required an Independent Person duly approved by another Somerset Council is authorised to advise on standards matters as required by the Localism Act 2011.		
Direct and/or indirect impact on service delivery to our customers and communities:	<p>A robust strong ethical standards framework, and appropriate guidance ensure high standards of community leadership to our customers and communities.</p>		

Financial Implications:	There are no direct financial implications arising from this report.
Legal Implications:	<p>The appointment of the Independent Person is necessary in order to comply with the Localism Act 2011 and related regulations.</p> <p>Failure to extend the existing appointment or appoint a new Independent Person would frustrate the operation of the Council's ethical standards complaints process and leave the Council vulnerable to challenge.</p>
Crime and Disorder Implications:	Certain breaches of the Localism Act 2011 constitute criminal offences.
Equalities Implications:	There are no equality implications arising from this report.
Risk Assessment and Adverse Impact on Corporate Actions:	<p>The proposal in this report reduces the risk of non-compliance with legislation, particularly the Localism Act 2011 and reduces the risk of legal challenge.</p> <p>The Standards Committee recommend that the Council put in place arrangements to appoint a Reserve Independent Person to advise on standards matters if the Independent Person is unavailable due to illness or holiday or other circumstance (including conflict of interests).</p>

INTRODUCTION

1. The Localism Act 2011 requires that the Council should appoint at least one Independent Person who must be consulted by the authority before it makes a finding as to whether a member has failed to comply with the Code of Conduct for Members.

BACKGROUND

2. The Independent Person may be consulted by the authority in respect of a standards complaint at any other stage or by a Member or Co-opted Member of the District Council or of a Parish Council against whom a complaint has been made.
3. Mike Hillman has served the Council as an Independent Person since 26 July 2012. As such he has provided invaluable and independent advice in the assessment of any complaints made against District Councillors or Parish Councillors within the District. Mike has also undertaken training and regularly attended meetings of the Standards Committee.
4. The Standards Committee have also recommended that the Council re-confirm their commitment to a Reserve Independent Person, when required, being appointed from the pool of Independent Persons approved by other Somerset Councils. Such a person may be required in circumstances where the Independent Person is unable to act; he may have a conflict of interest or not be available due to illness or absence on holiday/business. The Standards Committee have concluded that it is in the interests of good governance that the complaints process is not hindered or delayed on such occasions and therefore recommend that the Council appoint a Reserve Independent Person who will substitute when these circumstances arise. No allowance will be payable for this role, but expenses only (in accordance with the Members' Allowance Scheme).

RECOMMENDATIONS

That Council:

- 1) Re-appoint Mike Hillman as the Council's Independent Person to advise on standards matters as required by the Localism Act 2011 for a further 4 year term.
- 2) Re-confirm that if a reserve Independent Person is required an Independent Person duly approved by another Somerset Council is authorised to advise on standards matters as required by the Localism Act 2011.

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Background Papers : The Council's Constitution
The Localism Act 2011