

To: Standards Committee
Date: 24 June 2019
Report of: Head of Law and Governance
Title of Report: Appointment of Independent Persons in 2019

Summary and recommendations	
Purpose of report:	This report informs the Committee on the progress for the appointment of Independent Persons in 2019.
Key decision:	No
Recommendation: That the Standards Committee resolves to:	
<ol style="list-style-type: none">1. note the progress on the appointment of Independent Persons in 2019;2. agree to appoint one opposition member of the Standards Committee to serve on the interview panel as required at paragraph 5, ii) of the report.	

Introduction and background

1. The Localism Act 2011 (“The Act”) (Section 28, subsections (7) and (8)) requires the Council to appoint one or more Independent Persons.
2. The Local Authorities (Standing Orders) (England)(Amendment) Regulations 2015 (“The Regulations”) require the Council to invite relevant Independent Persons to a Panel (being a committee appointed by the authority under section 102(4) of the Local Government Act 1972) for the purposes of advising the authority on matters relating to dismissal of relevant officers of the authority(the chief executive, the chief finance officer and the monitoring officer).
3. At the meeting on 11 September 2018 the Standards Committee agreed to note and approve the Monitoring Officer’s proposed arrangements for the appointment of independent persons in July 2019.
4. This report informs the Committee on the progress for the appointment of Independent Persons in 2019.
5. The Monitoring Officer has commenced a formal recruitment exercise for the appointment of Independent Persons based on the following principles:
 - i. The recruitment exercise to include advertisement, application and interview

- ii. The interview panel to consist of the Monitoring Officer, Chair of the Standards Committee and one opposition member from the Standards Committee
 - iii. The term of appointment to be for 5 years (to July 2024)
 - iv. The Independent Person “job description” to be approved by the Monitoring Officer to be expanded to include considering evidence and advising Council on the course of action for the Disciplinary Committee to follow whenever there is the prospect of dismissal of a statutory officer
 - v. The statutory restrictions on eligibility shall apply
 - vi. Any application from an existing Independent Person to be considered on its merits
 - vii. The appointments to be confirmed at Full Council in July 2019 with a positive vote by a majority of councillors
12. The advert for the recruitment of the Independent Persons will be published in the local press and on the Council’s website in early June.
13. The interview dates are to be confirmed but are expected to take place in late June or early July.

Legal implications

14. To comply with the combined requirements of the Act and the Regulations, the Council should appoint at least two Independent Persons.

Financial implications

15. The decision to proceed with a recruitment exercise for the appointment of Independent Persons in 2019 carries a modest financial burden which will be accommodated in the 2019/20 Member Support budget.

Risk management

16. Failing to appoint an Independent Person would place the Council in breach of its statutory duty under the Act and prevent the Monitoring Officer from dealing with complaints in accordance with the Council’s code of conduct complaints procedure. In addition in the event of there being a need to consider dismissal of a relevant officer and the Council not having appointed at least two Independent Persons the Council would be required to approach another local authority to seek to invite their appointed Independent Persons to form part of a Panel in accordance with Regulation 6 paragraph 5 of the Regulations.

Report author	Catherine Phythian
Job title	Committee and Members Services Officer
Service area or department	Law and Governance
Telephone	01865 252402
e-mail	cphythian@oxford.gov.uk