

To: Council

Date: 7 October 2019

Report of: Monitoring Officer

Title of Report: Appointment of Independent Persons

Summary and Recommendations

Purpose of report: This report asks Council to approve the appointment of the council's independent persons for a term of five years to 31 October 2024 and to delegate authority to the Monitoring Officer to make the necessary arrangements.

Policy Framework: N/A

Recommendation(s): Council is recommended to approve the appointment of the council's independent persons for a term of five years to 31 October 2024 and to delegate authority to the Monitoring Officer to make the necessary arrangements.

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 to assist the Authority in promoting and maintaining high standards of conduct amongst its members and to act in an advisory capacity to the Monitoring Officer in dealing with code of conduct matters.
2. The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 ("The Regulations") require the Council to invite at least two 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 its meeting on 16 July 2012, the Council appointed Chris Ballinger, Godfrey Cole, Jill McCleery and Ben Simpson as the Council's Independent Persons for five years. Those appointments were extended for a further two years by Council at its meeting on 20 July 2017.
4. Since their appointment, the current Independent Persons have carried out their roles diligently and have dealt with complaints about members accused of breaching the Code of Conduct as required.

Recruitment of Independent Persons 2019

5. There is no prescribed time limit on the term of office of independent persons and these are therefore within the discretion of the Council. On 22 July 2019 Council agreed to extend the appointment of three of the Independent Persons to 31 October 2019 (these are Jill McCleery, Chris Ballinger, Godfrey Cole).
6. The Council may appoint as many Independent Persons as it deems appropriate. A cohort of four to six individuals is proposed as there is a balance to be struck between having a sufficient number to ensure availability at short notice with building up a level of knowledge and experience.
7. The Monitoring Officer has conducted 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 (as required by “the Act”)
 - 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
 - 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 apply¹
 - vi. Any application from an existing Independent Person to be considered on its merits
 - vii. The appointments to be confirmed at Full Council with a positive vote by a majority of councillors (as required by “the Act”)
8. Five applications have been received, and interviews will take place in the week beginning 30 September 2019 with a view to appointing up to five Independent Persons. The interview panel will consist of the Monitoring Officer, the Chair of the Standards Committee and one opposition member from the Standards Committee. The details of the proposed appointments will be included in the Council Briefing Note and will be presented by the Chair of the Standards Committee at Council.

¹ A person cannot be appointed as an Independent Person if they are, or have been, at any time in the preceding five years:

- a) A member, co-opted member or officer of Oxford City Council; or
- b) A member, co-opted member or officer of one of the four parish councils (Blackbird Leys, Littlemore, Old Marston and Risinghurst & Sandhills Parish Councils); or
- c) A relative or close friend of such persons

9. At its meeting on 24 June 2019 the Standards Committee emphasised the importance of reaching a wide range of potential applicants for the post of Independent Person to reflect the diversity of the city. Further steps were taken to encourage applications from a wide range of applicants.

Legal implications

10. The legal implications are set out in paragraphs 1 and 2 and explained in the body of the report.

11. The Act requires that appointments are approved by a majority of members of the authority.

Financial implications

12. The cost of the recruitment of Independent Persons in 2019 has been accommodated in the 2019/20 Member Support budget. The Council does not pay any allowance to its Independent Persons.

Risk management

13. 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

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