

To: Council

Date: 25 November 2019

Report of: Monitoring Officer

Title of Report: Appointment of Independent Persons 2019 - 2024

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 30 November 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 Chris Ballinger, Andrew Mills-Hicks, Jill McCleery and Osama Raja as the council's independent persons for a term of five years to 30 November 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) Regulations 2001 as amended ("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 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. In 2017 Council extended those appointments for a further two years to July 2019. The appointment of three of those individuals was further extended to 30 November 2019 to accommodate the completion of the

recruitment exercise. Mr Cole and Mr Simpson chose not to seek re-appointment and the Council has expressed its thanks to them for their contribution as Independent Persons.

Recruitment of Independent Persons 2019

4. There is no prescribed time limit on the terms of office of independent persons and these are therefore within the discretion of the Council.
5. The Monitoring Officer has conducted a formal recruitment exercise for the appointment of Independent Persons based on the following principles:
 - i. The recruitment exercise included an advertisement, application and interview (as required by “the Act”)
 - ii. The interview panel consisted of the Monitoring Officer, the Chair of the Standards Committee and one opposition member from the Standards Committee
 - iii. The term of appointment is recommended to be for 5 years
 - iv. The Independent Person “job description” approved by the Monitoring Officer was 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 were applied¹
 - vi. Applications from an existing Independent Person were considered on their merits
 - vii. The appointments are to be confirmed at Full Council and require a positive vote by a majority of councillors (as required by “the Act”)
6. The Council may appoint as many Independent Persons as it deems appropriate. A cohort of four to six individuals was 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. Four applications were received and interviews took place on 1 and 10 October 2019 with a view to appointing up to four Independent Persons. The interview panel comprised the Monitoring Officer, the Chair of the Standards Committee, Councillor Shaista Aziz and one opposition member of the Standards Committee, Councillor Mike Gotch.

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

8. The interview panel concluded that the following four individuals should be recommended to Council for appointment as an Independent Person:
- Chris Ballinger (re-appointment)
 - Andrew Mills-Hicks (new appointment)
 - Jill McCleery (re-appointment)
 - Osama Raja (new appointment)

Legal implications

9. The legal implications are set out in paragraphs 1 and 2 and explained in the body of the report.
10. The Act requires that appointments are approved by a positive vote by a majority of members of the authority.

Financial implications

11. The recruitment of Independent Persons in 2019 carries a modest financial burden which will be accommodated in the 2019/20 Member Support budget. The Council does not pay its Independent Persons.

Risk management

12. 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 the Regulations.

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