

To: Council
Date: 25 November 2024
Report of: Head of Law and Governance (Monitoring Officer)
Title of Report: Extension of term for appointments of Independent Persons

Summary and recommendations	
Purpose of report:	This report asks Council to authorise the Monitoring Officer to extend the terms of office of the council's independent persons for a further four months to 31 March 2025.

Recommendation(s): That Council resolves to:
1. Authorise the Monitoring Officer to extend the terms of office of the Council's Independent Persons for a further four months to 31 March 2025.

Appendices
None

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 its meeting on 25 November 2019, the Council appointed Chris Ballinger, Osama Raja, Jill McCleery and Andrew Mills-Hicks as the Council's Independent Persons for five years.
4. Since their appointment, the current Independent Persons have carried out their roles diligently and dealt with complaints about members accused of breaching the Code of Conduct as required.

Recruitment of Independent Persons 2025

5. There is no prescribed time limit on the terms of office of independent persons and these are therefore within the discretion of the Council. At its 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 2019. These arrangements will continue for the recruitment in 2025.
6. 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 (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 (to March 2029)
 - 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")
7. The advert for the recruitment of the Independent Persons was published in the local press and on the Council's website in early December. The interview dates are to be confirmed but are now expected to take place in late January to early February.
8. The three Independent Persons have been asked to confirm their agreement to the proposed extension of their term of office and that they are willing to continue in the role until the conclusion of the recruitment exercise.

Legal implications

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. The Council is required by “the Act” to appoint at least one Independent Person.
10. The Code of Conduct and arrangements for dealing with complaints require the input of an Independent Person on complaints submitted to the Monitoring Officer.
11. The Council has a legal obligation to make resources available to the Monitoring Officer for the purposes of their role.

Financial implications

12. The recruitment of Independent Persons in 2025 carries a modest financial burden which will be accommodated in the 2024/25 Member Support budget. The Council does not pay 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”.

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