Report No: 100/2019
PUBLIC REPORT

COUNCIL

8 July 2019

APPOINTMENT OF INDEPENDENT PERSONS

Report of the Monitoring Officer

Strategic Aim:	All	
Exempt Information	Appendix A of this report contains exempt information and is not for publication in accordance with Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.	
Cabinet Member(s) Responsible:	N/A	
Contact Officer(s):	Phil Horsfield, Monitoring Officer	01572 758154 phorsfield@rutland.gov.uk
Ward Councillors	N/A	

DECISION RECOMMENDATIONS
That Council: 1. Approve the appointment of the Panel of Independent Persons established by Leicestershire Authorities in 2016 as detailed in the report; 2. Approve the selection of appropriate Independent Persons from the Panel be delegated to the Monitoring Officer; 3. Notes that the existing appointments to the Panel are due to expire in May 2020 and that Rutland will join the combined recruitment exercise with the authorities listed in order to establish a new panel, subject to Council approval.

1 PURPOSE OF THE REPORT

1.1 To recommend to Council that RCC appoints the Panel of Independent Persons established by the following authorities:

- Blaby District Council
- Charnwood Borough Council
- Harborough District Council
- Hinckley and Bosworth Borough Council
- Leicestershire Fire and Rescue Service

- North West Leicestershire District Council
- Oadby and Wigston Borough Council

1.2 To delegate authority for the decision regarding which of the Independent Persons to use for Rutland Conduct matters to the Monitoring Officer.

1.3 To note the intention to enter into a joint re-appointment process in relation to advertising and interviews in order to source another panel of Independent Persons who would be appointed subject to the approval of each authority involved. This process will start shortly as the current appointment are due to expire in May 2020.

2 BACKGROUND AND MAIN CONSIDERATIONS

2.1 The Localism Act 2011 requires a relevant authority to make provision for the appointment of at least one Independent Person, whose views are sought, and taken into account, by the authority, before it makes a decision on a complaint regarding the conduct of members of the County Council or any of the parish councils within Rutland.

2.2 The Independent Persons assist the Council in promoting and maintaining high standards of conduct amongst its elected and co-opted members and town and parish Councillors.

2.3 The Council had appointed two individuals to act as Independent Persons, Mr Shatford and Mr Grimes, who were appointed by Council in July 2012 and April 2014 respectively.

2.4 In June 2018 Mr Shatford stepped down from his appointment as Independent Person.

2.5 Mr Grimes' appointment expired in May 2019.

2.6 In 2016 a group of Leicestershire Authorities (as detailed in paragraph 1.1) undertook a joint process for recruitment of Independent Persons. The positions were advertised and eight applications were received. All applicants were invited for interviews which were carried out by the Monitoring Officers for Charnwood Borough Council and Harborough District Council and the Deputy Monitoring Officer for Blaby District Council.

2.7 As a result of this exercise, six individuals were recommended for appointment as detailed in Appendix A. Each of the Authorities involved subsequently sought approval from their respective Council's. The current appointment are due to expire in May 2020.

2.8 The Group of authorities is about to embark on a recruitment campaign in order that a new panel can be appointed in May 2020.

3 CONSULTATION

3.1 The current Chairman of the Conduct Committee, Mr O Hemsley, has been consulted and is in support of the use of the established panel of Independent Persons.

3.2 The members of the Constitution Review Working Group have been consulted and have confirmed that they are content with the suggested approach.

3.3 The panel of Independent Persons have been contacted to confirm that they have no objection to Rutland County Council being added to the list of Authorities that they currently serve. Only those that assent will be used by Rutland.

4 ALTERNATIVE OPTIONS

4.1 The Council could undertake its own recruitment and appointment process.

4.2 It is a statutory requirement, to appoint one Independent Person will reduce the pool of persons and as such will not be as flexible in approach as that proposed.

5 FINANCIAL IMPLICATIONS

5.1 The financial implications arising from this report are minimal; the Independent Persons are not paid an allowance, but may claim expenses.

5.2 Involvement in the joint re-appointment process will result in efficiencies in relation to time and resources and the cost of advertisement and interviews.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

6.1 Section 28 of the Localism Act 2011 requires a relevant authority to make provision for the appointment of at least one Independent Person “whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate”.

7 DATA PROTECTION IMPLICATIONS

7.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are no risks/issues to the rights and freedoms of natural persons.

8 EQUALITY IMPACT ASSESSMENT

8.1 An Equality Impact Assessment (EqIA) has been completed. No adverse impacts were identified.

9 COMMUNITY SAFETY IMPLICATIONS

9.1 There are no community safety implications.

10 HEALTH AND WELLBEING IMPLICATIONS

10.1 There are no health and wellbeing implications.

11 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

11.1 In the interests of efficiency and to ensure that there is sufficient resilience in this are it is proposed that RCC appoints the panel of Independent Persons as described and delegates authority to the Monitoring Officer to choose the most appropriate Independent Person(s) for consultation in relation to Conduct matters for Rutland County Council.

12 BACKGROUND PAPERS

12.1 There are no additional background papers.

13 APPENDICES

13.1 Appendix A (EXEMPT) - List of Independent Persons currently on the Panel

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.