

# Arun District Council

<b>REPORT TO:</b>	<b>Standards Committee</b>
<b>SUBJECT:</b>	<b>Recruitment of Independent Persons</b>
<b>LEAD OFFICER:</b>	<b>Daniel Bainbridge, Group Head of Law &amp; Governance</b>
<b>LEAD MEMBER:</b>	Councillor David Huntley
<b>WARDS:</b>	<b>All</b>
<b>CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:</b> The Standards Committee is responsible for maintaining high governance standards within the Council pursuant to its duties under the Localism Act 2011. The Committee has the role of ensuring that the ethical standards regime forming part of the governance framework of the Council is robust, thereby engendering public confidence that the Council can deliver upon its priorities.	
<b>DIRECTORATE POLICY CONTEXT:</b> The Law & Governance and Monitoring Officer functions sit within the Growth directorate.	
<b>FINANCIAL SUMMARY:</b> The financial implications are set out within the body of the report, with costs being met from the Group Head of Law & Governance's existing budget.	

## 1. PURPOSE OF REPORT

- 1.1 To consider the Council's recruitment process in respect of Independent Persons.

## 2. RECOMMENDATIONS

It is recommended that the Committee:

- 2.1 Considers the report and agrees the recruitment process that it wants the Council to undertake in relation to its three Independent Persons;
- 2.2 Authorises the Group Head of Law & Governance to prepare the application pack detailed within the report and bring documentation to the 18 January 2024 meeting of the Committee for approval;
- 2.3 Authorises the Group Head of Law & Governance to explore recruiting jointly with other West Sussex district and borough councils.

## 3. EXECUTIVE SUMMARY

- 3.1 The Standards Committee's functions include considering membership and recruitment of Independent Persons to the Committee and making recommendations for appointments to Full Council.

3.2 Independent Persons (IPs) are appointed for a fixed period of time, and all three of the Council's IPs' terms of appointment will expire in July 2024. A recruitment process will need to be commenced ahead of that date in order to have in place suitably qualified IPs for the next period.

#### **4. DETAIL**

4.1 Councils are statutorily obliged to appoint at least one Independent Person (IP). IPs' views are to be sought and taken into account by the Monitoring Officer and/or Standards Committee when a decision is taken on an allegation under the Members' Code of Conduct. Their views may also be sought by the Monitoring Officer and/or Standards Committee at any other stage in the procedure when a complaint of a breach of the Code is considered, or by the Councillor facing the allegation. The Monitoring Officer routinely consults with the IP at the assessment stage of any complaint.

4.2 IPs cannot be employees of the Council or Councillors, and are invited to attend meetings of the Standards Committee in an advisory, non-voting capacity.

4.3 The Council appoints its IPs for a maximum of four years and currently has three IPs. John Thompson was appointed in July 2019 and Sandra Prail and John Cooke were appointed in July 2020, with their terms all ending on 14 July 2024.

4.4 In order to invite applications, an advertisement will be placed in local newspapers that cover the district and on the Council's website. Under section 8(c)(i) of the Localism Act 2011, the vacancy for an Independent Person must be advertised in such a manner as the authority considers is likely to bring it to the attention of the public. This will include on the Council's website.

4.5 Interested persons will be sent an information pack in order that they may make an application. The information pack will consist of:

- (a) Role and Functions of Independent Person/ Independent Standards Assessor
- (b) Person Specification
- (c) An application form
- (d) The eligibility and selection criteria that will be used by the interview panel
- (e) A copy of the Members' Code of Conduct and Local Assessment Procedures.

4.6 On the last occasion recruitment took place, the interview panel consisted of two Members of the Committee, an existing Independent Person and the Monitoring Officer, with the Committee then taking the results of the panel's interviews and making a recommendation to Full Council. The Group Head of Law & Governance proposes that the same approach is taken on this occasion but with one additional Committee Member – making five members of the interview panel in total.

- 4.7 As all of the West Sussex districts and boroughs are required to appoint Independent Persons, the Group Head of Law & Governance proposes exploring a joint recruitment process alongside any other willing districts and boroughs in order to widen the pool of potential applications and share cost.

## **5. CONSULTATION**

- 5.1 Internal consultation has taken place with the Corporate Management Team.

## **6. OPTIONS / ALTERNATIVES CONSIDERED**

- 6.1 Having no Independent Persons is not an option.
- 6.2 The Council could reduce its Independent Persons to one or two, but this would leave the risk of lack of cover in the case of illness or leave. This option is not recommended.
- 6.3 The Council could overlap its appointments as some authorities do in order to seek to establish a 'corporate memory'. However, this would mean undertaking recruitment processes in three of every four years, increasing cost and Officer time. It is the Monitoring Officer's view that having three Independent Persons appointed for four years together enables a stronger pool of knowledge of the Council and its Members.

## **7. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER**

- 7.1 There are no direct financial implications. Any expenditure in relation to the recruitment process will be met from existing budget.

## **8. RISK ASSESSMENT CONSIDERATIONS**

- 8.1 Appointing Independent Persons supports the Council's governance arrangements and aids the mitigation of risk through the maintenance of strong standards of conduct within the authority.

## **9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER**

- 9.1 The Council's Constitution requires the Council to have a minimum of three Independent Persons appointed at any one time. The Standards Committee is responsible for considering membership and recruitment of Independent Persons to the Committee and making recommendations for appointments to Full Council.

9.2 Section 27 Localism Act 2011 provides that an authority must promote and maintain high standards of conduct by Members and Co-opted Members of the Authority.

9.3 Section 28 Localism Act 2011 requires that the Council appoints an Independent Person and the steps that must be undertaken in the process.

9.4 Section 28(8)(c)(iii) Localism Act 2011 provides that an Independent Person's appointment must be approved by a majority of members at Full Council.

## **10. HUMAN RESOURCES IMPACT**

10.1 There are no human resources implications. This work will be carried out by officers under their day-to-day duties.

## **11. HEALTH & SAFETY IMPACT**

11.1 There are no such implications associated with this report.

## **12. PROPERTY & ESTATES IMPACT**

12.1 There are no such implications associated with this report.

## **13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE**

13.1 There are no such implications associated with this report.

## **14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE**

14.1 There are no such implications associated with this report.

## **15. CRIME AND DISORDER REDUCTION IMPACT**

15.1 There are no such implications associated with this report.

## **16. HUMAN RIGHTS IMPACT**

16.1 There are no such implications associated with this report.

## **17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS**

17.1 There are no such implications associated with this report.

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**CONTACT OFFICER:**

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**BACKGROUND DOCUMENTS:** None