

Arun District Council

REPORT TO:	Standards Committee 18 January 2024
SUBJECT:	Recruitment of Independent Persons
LEAD OFFICER:	Daniel Bainbridge, Group Head of Law & Governance
LEAD MEMBER:	Councillor David Huntley
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: 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.	
DIRECTORATE POLICY CONTEXT: The Law & Governance and Monitoring Officer functions sit within the Growth directorate.	
FINANCIAL SUMMARY: 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 finalise the Council's recruitment process in respect of Independent Persons.

2. RECOMMENDATIONS

It is recommended that the Committee considers and agrees the application pack for Independent Persons set out in the Appendix to this report.

3. EXECUTIVE SUMMARY

- 3.1 The Standards Committee's functions include considering membership and recruitment of Independent Persons 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 following this meeting in order to have in place suitably qualified IPs for the next four-year period.

4. DETAIL

- 4.1 At its meeting on 31 October 2023 the Committee received a report introducing the process and timings for the recruitment of the Council's Independent Persons, whose current terms of appointment are due to expire in July 2024.

- 4.2 At the meeting the Committee resolved as follows:
- (i) That the Council seek to recruit three independent persons for a term of 4 years commencing in July 2024, with an interview panel comprising three members of the Committee, the Group Head of Law and Governance and an existing Independent Person.
 - (ii) Authorised the Group Head of Law and Governance to prepare an application pack and bring the documentation to this meeting for approval.
 - (iii) Authorised the Group Head of Law and Governance to explore recruiting jointly with other West Sussex district and borough councils.
- 4.3 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 At its meeting on 31 October 2023 the Committee was informed that 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 A draft information pack containing items (a) to (e) above is contained within the Appendix to this report and the Committee's comments and approval are sought in relation to this document.

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 and was not agreed by the Committee at its October 2023 meeting.

- 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, and this option was not agreed by the Committee at its October 2023 meeting.

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 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.
- 9.2 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.
- 9.3 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.
- 9.4 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.
- 9.5 Section 28 Localism Act 2011 requires that the Council appoints an Independent Person and the steps that must be undertaken in the process.

9.6 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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BACKGROUND DOCUMENTS: None