

Surrey Heath Borough Council
Audit & Standards Committee
17 May 2023

Appointment of Independent Persons

Strategic Director/Head of Service	Gavin Ramtohal – Monitoring Officer
Report Author:	Gavin Ramtohal – Monitoring Officer
Wards Affected:	Not applicable

Summary and purpose

To appoint a pool of Independent Persons from May 2023 for a period of 4 years, as required by the Localism Act 2011.

Recommendation

The Council is advised to RESOLVE that, in accordance with Section 28 of the Localism Act 2011, the following persons be appointed as Independent Persons from May 2023 for a 4 year period:

- Andrea Armstrong
- Vivienne Cameron
- Jane Clark
- Bill Donnelly
- John Smith

1. Background and Supporting Information

- 1.1. Previously the Council has appointed a pool of Independent Persons in accordance with Section 28 of the Localism Act 2011 until May 2023. It is now necessary to appoint a pool for a further term of four years as from May 2023.
- 1.2. The current appointments expire in May and advertising for replacements has been carried out by the participating authorities in accordance with the Localism Act. The consortium of councils consists of Epsom & Ewell, Guildford, Mole Valley, Spelthorne, Reigate & Banstead and Waverley councils, as well as Surrey Heath Borough Council. There are currently four people who form part of the pool across the authorities.
- 1.3. Following advertising and interviews three existing IPs have expressed a wish to continue and two new applicants were interviewed by a group of Monitoring officers. It is proposed that all five be appointed by Surrey Heath Borough Council. The consortium authorities have been operating a protocol to deal

with the practical issues of dealing with complaints, including any conflicts of interest, common processes and arrangements for dealing with complaints. Training will be provided to the pool members.

- 1.4. The Audit & Standards Committee considered the appointment of Independent Persons at its meeting on 17 April 2023 and is recommending the candidates named above for appointment.

2. Reasons for Recommendation

- 2.1 The proposed appointments will enable the Council to meet the requirements of Section 28 of the Localism Act.

3. Proposal and Alternative Options

- 3.1 It is proposed that the Council appoints the individuals following interviews conducted by Monitoring Officers from the consortium councils. The Council must appoint at least one Independent Person, but could choose not to appoint specific candidates recommended for appointment for by the Monitoring Officer Panel.

4. Contribution to the Council's Five Year Strategy

- 4.1 No matters arising.

5. Resource Implications

- 5.1 There are no specific resource implications arising from this report. However, each appointed independent person will be entitled to claim out of pocket expenses.

6. Section 151 Officer Comments:

- 6.1 No matters arising.

7. Legal and Governance Issues

- 7.1 Section 28 of the Localism Act 2011 (the Act) requires every council to have in place a process under which allegations that a member or co-opted member of that council has failed to comply with the relevant council's code of conduct can be investigated and decisions made on such allegations. The same process will also apply to any member or co-opted member of a town or parish council within an individual district/ borough council's area.
- 7.2 The Act requires a council to appoint at least one Independent Person whose views must be sought by the council before it takes a decision on an allegation that it has decided shall be investigated and whose views can be sought by the council at any other stage, or by a councillor against whom an allegation has been made.

7.3 The councils listed in paragraph 1.2 of this report have agreed to work in partnership to appoint at least three independent persons, with any such person being available to act as an independent person for any of those councils.

8. Monitoring Officer Comments:

8.1 As set out in this report.

9. Other Considerations and Impacts

Environment and Climate Change

9.1 No matters arising.

Equalities and Human Rights

9.2 No matters arising.

Risk Management

9.3 No matters arising.

Community Engagement

9.4 No matters arising.

Annexes

None

Background Papers

None