

Joint Arrangements for the Appointment of Independent Persons

Portfolio:	(Portfolio)
Ward(s) Affected:	All

Purpose:

To update members on the arrangements for the joint Appointment of Independent Persons.

1. Background

- 1.1 On the 18th May 2016, the Council joined a consortium of other Surrey authorities which had appointed six independent persons as required by the Localism Act 2011 to assist in Code of Conduct matters relating members of the Council. The current appointment will expire in May 2019 and it is now necessary to start the process for a new four year period.

2. Current Position

- 2.1 The following Councils have now expressed a wish to participate in joint arrangements for the appointment of Independent Persons:
- Guildford
 - Epsom & Ewell
 - Mole Valley
 - Reigate and Banstead
 - Spelthorne
 - Surrey Heath
 - Waverley
- 2.2 The joint arrangements involve the placing of an advertisement simultaneously by the seven participating councils. The Monitoring Officers from each authority will then agree a shortlist of candidates for interview. An Appointments Panel, which is likely to include some chairs of the respective standards committees, will then carry out the interviews. The Panel's recommendations will then be referred to each council to approve the formal appointment as required by the Localism Act 2011.
- 2.3 A person cannot be appointed as an Independent Person by a council if they are or were within a period of five years prior to the appointment:
- (i) a member, co-opted member or officer of that council,
 - (ii) a member, co-opted member or officer of a parish council of which that council is the principal authority;
- or if they are a relative* or close friend of a person in (i) or (ii) above.

* a person ("R") is a relative of another person if R is—

- (a) the other person's spouse or civil partner,
- (b) living with the other person as husband and wife or as if they were civil partners,
- (c) a grandparent of the other person,
- (d) a lineal descendant of a grandparent of the other person,
- (e) a parent, sibling or child of a person within paragraph (a) or (b),
- (f) the spouse or civil partner of a person within paragraph (c), (d) or (e), or
- (g) living with a person within paragraph (c), (d) or (e) as husband and wife or as if they were civil partners.

The Localism Act 2011 also states that a person may not be appointed as an Independent Person unless—

- (i) the vacancy for an independent person has been advertised in such manner as the authority considers is likely to bring it to the attention of the public,
- (ii) the person has submitted an application to fill the vacancy to the authority, and
- (iii) the person's appointment has been approved by a majority of the members of the authority.

2.4 The Council has adopted an Independent Persons Protocol which details, amongst other matters, the appointment, role and obligations and allocation of Independent Persons by the participating authorities. It deals with the practical issues of dealing with complaints, including any conflicts of interest, common processes and arrangements for dealing with complaints. Training will also be provided to the pool members to ensure consistency from the Independent Persons. The Protocol will be reviewed and brought back to this Committee in due course.

3. Options

3.1 The Council may appoint an Independent Person itself or may wish to enter into joint arrangements with other Surrey authorities.

4. Proposal

4.1 It is therefore proposed that this Council agrees in principle to enter into joint arrangements for the appointment of Independent Persons.

5. Resource Implications

It will be necessary to advertise this appointment, but there are no on-going resource implications other than the paying the expenses of appointed Independent Persons during the term of their appointment.

6. Recommendation

6.1 It is recommended that the Committee:

- (i) notes the requirements of the joint arrangements and agrees in principle to this arrangement; and
- (ii) authorises the Monitoring Officer to proceed with the arrangements as set out above.

Background Papers: None

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