

WELWYN HATFIELD BOROUGH COUNCIL
COUNCIL – 10 JULY 2017
REPORT OF THE MONITORING OFFICER

LOCALISM ACT 2011 – APPOINTMENT OF INDEPENDENT PERSONS

1 Executive Summary

- 1.1 The purpose of this report is to seek the Council's agreement to appoint a panel of three independent persons to advise the Standards Committee, Standards Sub-Committee and Statutory Officers Disciplinary Panel.

2 Recommendation(s)

- 2.1 The Council is RECOMMENDED to agree the appointments of Ian Jobson, Donna Modeste' and Eranda Wickramasinghe as Independent Persons appointed under Section 28 of the Localism Act 2011 for a term of 5 years commencing on the date after this meeting, subject to the receipt of satisfactory references.

3 Explanation

- 3.1 The Localism Act 2011 (the Act) created a simpler, less prescriptive method of addressing standards and ethics issues within local authorities. This Council has been operating under this regime since it came into force.
- 3.2 On 23 July 2012, the Council agreed various recommendations to effect the changes to the new standards regime under the Act.
- 3.3 As part of those recommendations, the Council agreed to the appointment of three independent persons to form a panel of Independent Persons. The term of those appointments was for 5 years and fresh appointments are now required.
- 3.4 The role of the independent person under the Standards arrangements is twofold. Firstly, the views of the independent person must be sought and taken into account by the Authority before it makes its decision on an allegation that it has decided to investigate.
- 3.5 Secondly, the views of the independent person may be sought by the Authority generally or by the Member who is the subject of the allegation. The role therefore differs from the previous role of independent member on a Standards Committee.
- 3.6 On 11 May 2015, the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the Regulations) came into force relating to changes to the procedures for the dismissal of a local authority's Head of Paid Service, Monitoring Officer and Chief Finance Officer. On 20 July 2015, the Council agreed the necessary changes to the Council's Constitution to reflect the revised statutory process for the dismissal of statutory officers.

- 3.7 Part of the process involves the addition of 2 independent persons to advise the Statutory Officer Disciplinary Panel. These are to be appointed under the same statutory provisions as for the independent persons to the Standards Committee and Standards Sub-Committee. At the time, the existing appointed independent persons were invited to also carry out this role and it is proposed that this continues with any new appointments.
- 3.8 The qualifications for an independent person are that the person must not be:
- A member, co-opted member or officer of the Authority (or a Parish Council of which this Council is the principal authority).
 - A relative or close friend of any of the above.
 - A member, co-opted member or officer of the Authority (or the Parish Council of which the Authority is the principal authority) within five years of their prospective appointment.
- 3.9 Any appointment must be preceded by a public advertisement, an application and approval by the majority of the Authority's Members. An Independent Person does not receive an allowance from the Council but will be able to claim travel expenses.
- 3.10 The Standards Committee on the 5 June 2017 received a report to note the requirements for new appointments of independent persons, the advertisement and selection process and the requirement for appointment by this Council.
- 3.11 The key skills and competencies criteria for an Independent Person include having a keen interest in public life, wishing to serve the local community and uphold local democracy, the ability to be objective, independent and impartial, with sound decision making qualities and an awareness of the importance of ethical behaviour.
- 3.12 It is confirmed that these vacancies have been publicly advertised and applications invited and submitted by applicants. These applications were assessed by an officer panel consisting of the Executive Director (Public Protection, Planning and Governance), Monitoring Officer and Governance Services Manager.
- 3.13 Following interviews of the shortlisted applicants, it is now recommended that Ian Jobson, Donna Modeste' and Eranda Wickramasinghe be appointed as Independent Persons for the purposes set out in this report. The original proposal was the appointment of two Independent Persons but the officer panel were so impressed by the quality of the applicants, that it is proposing the appointment of three Independent Persons.
- 3.14 It is recommended that these three Independent Persons be appointed for a period of 5 years commencing on the date after this meeting, subject to the receipt of satisfactory references.

Implications

4 Legal Implication(s)

- 4.1 Section 28 of the Localism Act 2011 provides for the appointment of independent persons under the Standards regime adopted by the Council.

5 Financial Implication(s)

- 5.1 The position of Independent Person(s) is not remunerated. Mileage of 45p can be claimed for travel on official duties.

6 Risk Management Implications

- 6.1 None.

7 Security and Terrorism Implication(s)

- 7.1 None.

8 Procurement Implication(s)

- 8.1 None.

9 Climate Change Implication(s)

- 9.1 None.

10 Link to Corporate Priorities

- 10.1 None.

11 Equality and Diversity

- 11.1 An Equality Impact Assessment (EIA) has not been carried out in connection with the proposals that are set out in this report.

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