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**REPORT TO:** OVERVIEW AND SCRUTINY COMMITTEE

**DATE:** 7 APRIL 2016

**REPORT OF THE:** COUNCIL SOLICITOR  
ANTHONY WINSHIP

**TITLE OF REPORT:** INDEPENDENT PERSONS : RECRUITMENT

**WARDS AFFECTED:** ALL

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 To consider the issues and procedure for the appointment of one or more Independent Persons pursuant to the provisions in the Localism Act 2011 to maintain effective arrangements for the promotion and maintenance of high standards of conduct by Members.

### **2.0 RECOMMENDATION(S)**

It is recommended:

- 2.1 That two Independent Persons be appointed under Section 28 of the Localism Act 2011.
- 2.2 That the two Independent Persons be recruited separately from any other Authority.
- 2.3 That no allowance be paid to the Independent Persons, but they be eligible to claim expenses.
- 2.4 That the opportunity to apply be advertised on the Council's website.
- 2.5 That the vacancy for the position of Independent Person with Role Description and Person Specification shown on the attached Annex be approved.
- 2.6 That an interviewing panel comprising the Chairman and Vice Chairman of the Overview and Scrutiny Committee make recommendations for appointment to the Council.
- 2.7 Confirmation of appointment to be made by the Council Solicitor in writing to the successful candidates.

### **3. REASON FOR THE RECOMMENDATIONS**

- 3.1 The District Council is required by Section 28 of the Localism Act 2011 when maintaining arrangements under which conduct allegations can be investigated and determined (section 28 (6)) to make provision for the appointment by the authority of at least one Independent Person (Section 28 (7))

### **4. SIGNIFICANT RISKS**

- 4.1 The recruitment process will ensure that Independent Persons are in place to undertake the duties set out in the Localism Act 2001, which reduces the risk of both reputational damage to the authority and the risk of any decision by the Corporate Governance Sub-Committee being open to challenge due to lack of a required Independent Person.
- 4.2 The absence of an Independent Person would prevent the Monitoring Officer from dealing with complaints in accordance with the Council's Code of Conduct complaints procedure.

### **5.0 BACKGROUND AND INTRODUCTION**

- 5.1 The Localism Act 2011 specifies that the Council must appoint an Independent Person to be involved in the process for dealing with complaints of alleged breaches of the Council's Code of Conduct.
- 5.2 On 12 July 2012 Mr Colin Langley and Ms Gill Baker were appointed as the Council's Independent Person for a period of four years. The term of office expires on 12 July 2016.
- 5.3 It is desirable to commence the process for the appointment of "Independent Person(s)" in time to enable confirmation prior to 12 July 2016

### **6.0 POLICY CONTEXT AND CONSULTATION**

- 6.1 The recruitment and appointment of Independent Persons will contribute positively to the Council's Corporate Governance arrangements by ensuring that the Council maintains high standards of conduct.

## **REPORT**

### **7.0 REPORT DETAILS**

#### **Proposed Recruitment Process**

- 7.1 The appointment process must satisfy the requirement in the 2011 Act that the vacancy of an Independent Person must be advertised in such manner as the authority considers is likely to bring it to the attention of the public.
- 7.2 It is proposed that :
- A recruitment process for two Independent Persons is started as soon as practicable.
  - A public advert is published on the District councils website.
  - Interviews take place with the Chairman and Vice-Chairman of the Committee with the

Council Solicitor in attendance.

- The Council will be asked to agree the proposed appointments, preferably at the Annual Council Meeting on 17 May 2016 or otherwise on at the Council meeting 7 July 2016.

7.3 The proposed Role Description and Person Specification is attached as Annex 1. It is proposed that no allowance be paid to the Independent Person but, expenses incurred in travelling to meetings can be claimed.

## **8.0 IMPLICATIONS**

8.1 The following implications have been identified:

- a) Financial  
None arising directly from this report, although a small amount of additional travelling expenses may be incurred. Recruitment costs are expected to be minimal.
- b) Legal  
The proposals made in this report will enable the Council to meet the requirements of the Localism Act 2011 and the regulations made under that Act.

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**Background Papers:**  
Include any referenced papers

**Background Papers are available for inspection at:**  
Location or web address

**APPOINTMENT OF AN INDEPENDENT PERSON**

The way that Ryedale District Council deals with conduct complaints about its elected members and Town and Parish Councillors in its area has changed, following the implementation of the Localism Act 2011.

On 17 May 2012 the Council adopted a new Code of Conduct setting out general principles of expected behaviour by Councillors and specifying requirements for the registration and declaration of their financial and other interests. The Council also approved a new simplified local process for dealing with complaints of alleged breaches of the Code.

The Localism Act specifies that the Council must appoint an Independent Person to be involved in this process. That role is currently being undertaken by two persons whose terms of office comes to an end on 12 July 2016. The Council is therefore now seeking to recruit Independent Persons. The existing Independent Persons may apply for the position.

It is anticipated that the Council will confirm the appointment at the Annual Council meeting to be held on 17 May 2016 or otherwise the Council meeting on 7 July 2016.

It is intended to also appoint one or two "Reserve" candidates to be in a position to act as Independent Person in the event that the person appointed is incapacitated or otherwise unable to act.

Details of the role and responsibilities of the Independent Person are set out below.

**ROLE OF THE INDEPENDENT PERSON**

The role of the Independent Person is:-

To assist the Council in promoting high standards of conduct by elected and co-opted Members of Ryedale District Council and Town and Parish Councillors within the Ryedale area and in particular, to uphold the Code of Conduct adopted by the Council and the seven principles of public office, namely: selflessness, honesty, integrity, objectivity, accountability, openness and leadership.

To be available for consultation by the Monitoring Officer before a decision is taken on whether or not to investigate a complaint or to seek a resolution of the complaint.

To be consulted by the Council through the Monitoring Officer and/or the Corporate Governance Standards Sub-Committee before it makes a decision on an investigated allegation and to be available to attend meetings of the Overview and Scrutiny Committee acting as a Corporate Governance Standards Committee or the Corporate Governance Standards Sub-Committee for this purpose.

To be available for consultation by any elected member, including town and parish councillors, who is the subject of a standards complaint.

To develop a sound understanding of the ethical framework as it operates within

Ryedale District Council and its town and parish councils.

To attend training events organised and promoted by the Council's Overview and Scrutiny Committee acting as a Corporate Governance Standards Committee or the Corporate Governance Standards Sub-Committee.

To act as an advocate and ambassador for the Council in promoting ethical behaviour.

### **SKILLS AND COMPETENCIES REQUIRED**

The independent person the Council wishes to appoint to this role will have a range of skills and competencies, including:-

- an interest in standards in public life;
- an awareness of the importance of ethical behaviours;
- a wish to serve the local community and uphold local democracy;
- the ability to be objective, independent and impartial;
- good analytical skills and an ability to demonstrate clarity of thought, assimilate information quickly and arrive at balanced judgements.
- an understanding of the need to comply with confidentiality requirements;
- a demonstrable interest in local issues;
- an ability to communicate clearly, verbally and in writing with various people and in a variety of different situations.
- tact and diplomacy in handling sensitive matters.

Ideally, that person will also have:-

- some knowledge and/or experience of local government or other public service and/or of large complex organisations and awareness of and sensitivity to the political process;
- knowledge and understanding of judicial quasi-judicial or complaints processes.

The person appointed will need to be contactable during normal working hours by telephone or by e-mail and be available to attend meetings of the Corporate Governance Standards Sub-Committee, which are generally held in the early evening, and occasional hearings which may held in the day time.

### **Eligibility**

A person cannot be appointed as an Independent Person if they are, or have within the last 5 years, been an elected Councillor, a co-opted member or officer of Ryedale District Council; or any town or Parish Council within the Ryedale area or, is a relative or close friend of any such person.