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**Meeting:** General Purposes Committee  
**Date:** 2 August 2012  
**Subject:** Localism Act 2011 – Appointment of Independent Persons  
**Report of:** Head of Legal & Democratic Services  
**Summary:** The report proposes appointment of a Panel of independent persons

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**Advising Officer:** John Atkinson, Head of Legal & Democratic Services  
**Contact Officer:** As above  
**Public/Exempt:** Public  
**Wards Affected:** All  
**Function of:** Council

## **CORPORATE IMPLICATIONS**

### **Council Priorities:**

The effectiveness of the Council's governance arrangements contributes to the achievement of all the Council's priorities.

### **Financial:**

1. The proposals contained in the report have no immediate financial implications. However, the new arrangements for handling complaints under the Localism Act 2011 may have financial implications as they develop, depending on the number and frequency of complaints received. This is especially the case given that the Council is responsible for maintaining a register of interests for all 78 Town and Parish Councils in the District and for handling any complaints that may be made against parish councillors.

### **Legal:**

2. The proposals contained in this report comply with the requirements in relation to Standards contained in the Localism Act 2011.

### **Risk Management:**

3. The main operational risks concern the responsibility for supervising the arrangements for ethical standards adopted by parish councils. This is likely to impose a considerable burden on the Council's Monitoring Officer and staff in the Legal and Democratic Services Team.

**Staffing (including Trades Unions):**

4. Not Applicable.

**Equalities/Human Rights:**

5. To ensure that any decision does not unfairly discriminate, public authorities must be rigorous in reporting to Members the outcome of an equality impact assessment and the legal duties.
6. Public Authorities must ensure that decisions are made in a way which minimises unfairness, and without a disproportionately negative effect on people from different ethnic groups, disabled people, women and men. It is important that Councillors are aware of this duty before they take a decision.
7. In this instance, no equality impact assessment has been undertaken. The main issue that the Committee must consider is whether the selection process has been fair and provided an opportunity for people with relevant skills and experience to apply and to be appointed to the position of independent person.

**Public Health**

8. Not applicable

**Community Safety:**

9. Not Applicable.

**Sustainability:**

10. Not Applicable.

**Procurement:**

11. Not applicable.

**RECOMMENDATIONS:****The Committee is asked to:**

1. **Approve the appointment of a joint panel of independent persons and recommend that the Council approve the persons selected as a result of the recent joint recruitment process.**
2. **Agree that independent persons should be appointed for a period of four years, subject to the transitional arrangements relating to any independent persons who previously served as Independent Members of the Council's Standards Committee.**
3. **Authorise the Monitoring Officer in consultation with the Chairman of the Committee to make appointments and agree with the other authorities involved what allowance will be paid to independent persons and how the costs will be shared.**

## **The Legal Requirement**

12. The standards provisions of the Localism Act 2011 came into force on 1 July 2012 and the Council is now required to put in place arrangements for the appointment of at least one independent person.
13. The Act provides that the views of the independent person must be sought and taken into account before the Council can take any decision on an allegation it has decided to investigate; and the views of the independent person may also be sought in relation to an allegation at other stages in the process. The independent person may also be consulted by a Member who is the subject of an allegation.

## **Background**

14. This matter was considered by the Committee at its last meeting when the Committee was informed that the Ethical Standards Task Force had suggested that the Council should appoint three independent persons.
15. The Committee agreed that the Council should collaborate with Bedford Borough, Luton Borough and Milton Keynes Councils and with the fire authorities for Bedfordshire and Buckinghamshire in the appointment of a joint panel of independent persons.

## **The Appointment Process**

16. Advertisements were placed on the respective Councils' websites as from 20 June 2012 and in newspapers in each Council's area on Sunday, 17 June. Twenty one applications were received by the closing date.
17. Councillors from each of the four local authorities were involved in the selection process. From this Council, Councillor Richard Stay took part in short-listing 13 applicants for interview and Councillor Peter Hollick was on the interview panel. The interviews are taking place on 17 and 20 July. At the time of writing this report, the outcome of the interviews is not known and the details will be provided at the meeting on 2 August.
18. The Council has delegated responsibility for carrying out its functions under this part of the Localism Act to the General Purposes Committee. However, the Act requires that the appointment of a person as an independent person must be approved by a majority of the Members of the Authority. Therefore, it will be necessary to seek the Council's formal endorsement at its next meeting in September.

## **Other matters**

19. The Government have introduced some transitional provisions which allow for people who have previously served as Independent Members of the Council's Standards Committee to be appointed as independent persons for the first year. Their term of appointment will need to expire on 30 June 2013. Otherwise, it is suggested that independent persons should be appointed for a four year period.
  
20. The six authorities have yet to agree on the level of allowance/remuneration it would be appropriate to pay independent persons and how this should be shared between the authorities. However, the costs will be met from the saving in allowances payable to the former Independent Members of the Standards Committee.

**Appendices:** None

**Background Papers:** None