

Executive Member	Councillor Chris Townsend – Leader of the Council
Strategic Management Team Lead Officer	Angela Griffiths, Corporate Head of Service
Author	Chris Harris, Monitoring Officer
Date	18 th September 2012

Subject	Appointment of Independent and reserve Independent Persons to the Standards Committee
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RECOMMENDATIONS	
The Council is asked to approve the appointment of the Independent and reserve Independent Persons to the Standards Committee as advised by the Monitoring Officer.	

The Council has the authority to determine the Recommendations

BACKGROUND

- 1.0 The old statutory model Code of Conduct for Members was abolished and replaced by the Localism Act 2011’s obligation to adopt a Code that dealt with the conduct that was expected of Members when acting in their official capacity. The Code had to include such provision as the Council considers appropriate for the registration and disclosure of pecuniary and other interests.
- 2.0 At the meeting held on 3rd July 2012, the Council accepted the 8 recommendations of the Standards Committee and adopted the new Standards regime (including the new Code of Conduct and arrangements for dealing with allegations of misconduct by Members).
- 3.0 The Localism Act also introduced simpler and clearer arrangements for handling allegations of misconduct by Members, as well as the need to appoint an Independent Person and reserve Independent Person(s) to sit on the Standards Committee.
- 4.0 The appointment of an independent person was an entirely new requirement and, before any appointment was made, there needed to be an application by the interested persons, interviews by the Monitoring Officer and appointments to the roles by the Council.
- 5.0 The following people are ineligible to carry out the role
 - Members, co-opted members or officers of this Council or any Parish Council in the District
 - relatives or close friends of the above persons
 - persons who were Members, co-opted members or officers of this Council or any Parish Council in the District in the last five years

(subject to certain transitional provisions)

- 6.0 The Act provides that an Independent Person does not lose their “independence” if they are paid an allowance or expenses by the Council for carrying out the role. It is not proposed at this stage that the appointee should receive an allowance. The infrequent nature of the role would make a set allowance inappropriate, although

there may be the need to reimburse occasional expenses. The next time the Independent Remuneration Panel meets it will be asked to consider this matter further. The Council will appoint the Independent Persons for an initial period of one year which may be extended to four years.

- 7.0 It was important to set a clear expectation of the type of person required to fill this role. A copy of the advertisement and person specification is attached to this report at Appendix 1.
- 8.0 If an allegation is made that a Member has failed to comply with the Code of Conduct, and if this is investigated, the views of the Independent Person must be sought before any decision on the allegation is made. These views must be taken into account by the Monitoring Officer but may also be sought by the Member against whom the allegation is made. If the Independent Person has been consulted on the allegation it is inappropriate for that person to be involved in the determination of the allegation as they might be regarded as prejudiced. A sub-committee of the Standards Committee that has been convened to determine an allegation that a Member has breached the Code of Conduct may consult an Independent Person. As such the Council initially agreed that two independent co-optees will be sought and will be designated as the Independent Person and Reserve Independent person. However, three very good candidates were interviewed jointly with three other local authorities and the view taken was that it would be appropriate, if possible, to appoint all three. Both co-optees will be able to attend Standards Committee meetings when business being transacted does not involve a specific complaint.
- 9.0 The Monitoring Officer met with persons responding to the advertisement to ensure their suitability. In accordance with the resolution at Council on 3rd July the Monitoring Officer has informally appointed Roger Pitt, Vivienne Cameron and Tony Allenby.
- 10.0 The Council is asked to confirm the appointment of these individuals to the Standards Committee.

CORPORATE IMPLICATIONS

Legal Implications – It is a requirement of the Localism Act to appoint an Independent Person.

Financial Implications – None.

Risk Implications – None.

Equalities Implications – None.

Employment Issues – None.

Sustainability Issues – None.

Consultation – None required.

BACKGROUND PAPERS

None.

Independent Person

An unpaid and voluntary position – someone to help us maintain high standards of Member Conduct

As a result of the Localism Act 2011, local authorities have a new duty to promote and maintain high standards of conduct by their elected Councillors and co-opted Members. At Mole Valley District Council we take this duty seriously and a new Code of Conduct will set out the key obligations of elected office. If a complaint is made that a Member has failed to comply with the Code, we want someone whose views can be sought (either by the Council or by the Member concerned) before a decision is made on what to do.

What sort of person are we looking for? It is important that the Independent Person has the profile and experience that the community would recognise and respect as bringing an independent and informed perspective to the investigative process. If you have experience in developing or interpreting codes of conduct, that would be an advantage as would knowledge of local government and the need for propriety in the public sector.

To ensure your voice is truly independent the law rules you out of this role if you are or have been within the last five years a Member, co-opted Member or officer of Mole Valley District Council or one of the District's Parish Councils, or if you are a close friend or relative of any of those persons.

If you would like to discuss this position informally and confidentially, please call Chris Harris, Monitoring Office on 01306 879130. If you are interested in applying for this important role in the public life of the Council, please either email or write to Victoria Foreman, Senior Democratic Services Officer with your details.

CLOSING DATE 11th June 2012

**Democratic & Legal Services, Mole Valley District Council, Pippbrook, Dorking,
Surrey, RH4 1SJ**

Mole Valley District Council Standards Committee

The Independent Person: A specification for the role

How has this role come about?

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place 'arrangements' under which allegations that a member or co-opted member of either Mole Valley District Council or one of the District's Parish Councils (or of a Committee or Sub Committee of the authority) has failed to comply with that authority's Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the Council to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a Member against whom an allegation has been made.

What will my role be?

You will be an essential consultee if a complaint is made that a Member has failed to comply with the Code of Conduct. You may be asked for your views at any stage of a complaints process and by either the Council or by the Member concerned.

Am I eligible?

A person is not independent and is ineligible if he/she

- Is, or has been within the past 5 years, a Member, co-opted Member or officer of the Council; or
- Is, or has been within the past 5 years, a Member, co-opted Member or Officer of one of the District's Parish Councils; or
- Is a relative, or close friend, of an above person. For this purpose, 'relative' means:
 - Spouse or civil partner;
 - Living with the other person as husband and wife or as if they were civil partners;
 - Grandparent of the other person;
 - A lineal descent of a grandparent of the other person; and
 - A parent, sibling of child of that person.

How long will my appointment be?

The Council will appoint you for an initial period of one year which may be extended to a four year term. The Council may appoint other independent persons in addition to you.

Do I have to live or work in the District?

Not necessarily.

How will the successful candidate be appointed?

We have advertised this position publicly. We may only appoint someone who makes an application to us, and the appointment must be approved by a majority of the Members of the Council.

The Monitoring Officer will conduct interviews from those candidates who appear to meet the criteria and will make recommendations to the Council.

What sort of person is the Panel looking to appoint?

Ideally, the person should be involved in the local community, but not politically active within it, and should have an interest in local government. The person should be a respected figure with an unblemished reputation. No particular professional background is specified, but the person should be able to demonstrate probity and high ethical standards. It is important that the Independent Person has the profile and experience that the community would recognise and respect as bringing an independent and informed perspective to the investigative process. If you have experience in developing or interpreting codes of conduct, that would be an advantage as would knowledge of local government and the need for propriety in the public sector.

Is the appointment paid?

No, but if you incur expenses in carrying out your role these would be reimbursed.

