

Agenda Item 11

Cabinet Member	Councillor Vivienne Michael, Leader of the Council
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Date	12 th February 2019
Ward (s) affected	N/A
Subject	Process for the Appointment of Independent Persons 2019-2023
Recommendations	
Council is asked to note the process that will be followed for the appointment of Independent Persons under Section 28(7) of the Localism Act, 2011, for a four year term of office expiring in May 2023.	
The Council has the authority to determine the Recommendation	

1.0 Introduction

- 1.1 Members will be aware that the Localism Act 2011 introduced a new ethical standards regime for Local Government in 2012 which, amongst other things, requires the Council to seek the views of an Independent Person before taking a decision on an allegation of misconduct by a Councillor which it has decided to investigate. At Mole Valley, the Monitoring Officer also decides, after consultation with the Independent Person, whether a complaint merits formal investigation. The Independent Person's views may also be sought by the Council at any other stage in a misconduct complaint or by a Councillor against whom an allegation has been made. Full details of the Independent Person's roles and responsibilities is set out in the Independent Person Protocol at Part 5 of MVDC's Constitution.
- 1.2 Mole Valley District Council, together with Guildford, Waverley and Spelthorne Borough Councils jointly appointed three Independent Persons in September 2012 who could be consulted in connection with the Councils' arrangements for dealing with an allegation of a breach of their respective Codes of Conduct.
- 1.3 At the Council meeting in January 2015, Members agreed that the three Independent Persons be appointed for a period of four years from the Annual Council meeting in May 2015. The Independent Persons appointed at that time were Tony Allenby, Vivienne Cameron and Bernard Quoroll. This four year term of office is now drawing to a close.

2.0 Proposals

- 2.1 Members are now asked to note the process for the appointment/re-appointment of the Council's Independent Persons similar to that which was adopted in 2015.

- 2.2 Mole Valley, together with Epsom and Ewell, Guildford, Reigate and Banstead, Spelthorne, Surrey Heath and Waverley Borough Councils will be participating in the Joint Appointments Panel for the appointment of Independent Persons for the period May 2019 to May 2023.
- 2.3 The joint arrangements involve the placing of an advertisement by the seven participating councils. All written applications received by each of the seven councils will be shared with the respective monitoring officers, who in turn will agree a shortlist of candidates for interview. The Joint Appointments Panel will comprise of at least two monitoring officers who will interview the shortlisted candidates. The Panel's recommendations will then be referred to each of the participating Councils so that they may consider the formal appointments, taking effect from May 2019 until May 2023. If, for any reason, a council does not wish to appoint a candidate as an Independent Person as recommended by the Panel there will be other candidates who will be suitable.
- 2.4 Councils are able to remunerate appointed Independent Persons such allowances or expenses as they consider appropriate. Mole Valley's Independent Remuneration Panel has previously concluded that the infrequent nature of the work of the Independent Person would make it difficult to justify a specific allowance but travel and appropriate expenses (determined by the Monitoring Officer) would be payable. It is proposed that this arrangement should continue.
- 2.5 An indicative timetable is set out below for information:

Action	Date
Advertisement for applications	February
Joint Appointments Panel to shortlist, interview and recommend suitable candidates for appointment	February/March
Standards Committee to receive details of Joint Appointments Panel's recommendations	21 st March
Recommendation to Annual Council to approve appointments	21 st May

Financial Implications

None arising directly from this report.

Legal Implications

None other than as set out in this report.

3.0 Corporate Implications

Monitoring Officer commentary.

The Council is required to comply with the requirements of the Localism Act 2011 and there is a statutory requirement both to (i) appoint at least one Independent Person, and (ii) for the Monitoring Officer to consult the Independent Person at certain stages when a complaint is made about a Member's code of conduct.

S151 Officer commentary

The Section 151 Officer confirms that there are no direct financial implications arising from this report.

Risk Implications

The appointment of an Independent Person to review alleged breaches of Codes of Conduct will help to satisfy the statutory duty to promote and maintain high standards of conduct by elected Members. Effective processes will help maintain strong ethical governance and safeguard the Council from damage to reputation.

Equalities Implications

The Council's Standards regime complies with equalities legislation.

Employment Issues

None for the purposes of this report.

Sustainability Issues

None for the purposes of this report.

Consultation

None for the purposes of this report.

Communications

None for the purposes of this report.

Background Papers

None.