

30 January 2019

Agenda Item: 8

REPORT OF THE MONITORING OFFICER

THE CODE OF CONDUCT FOR COUNCILLORS AND CO-OPTED MEMBERS – APPOINTMENT OF INDEPENDENT PERSONS

Purpose of the Report

1. To seek approval of a recruitment and selection process for the appointment of Independent Persons.

Information

2. It is a legal requirement for the County Council to adopt a Code of Conduct for Councillors and Co-opted Members; the Council's latest Code was adopted in May 2018. It is also a legal requirement for the County Council to appoint at least two Independent Persons, whose views must be sought and taken into account if a Code of Conduct complaint is investigated. Councillors and Co-opted Members who are the subject of an allegation may also seek the view of the Independent Person if they wish to.
3. In May 2018 the County Council decided that due to the length of time that the current Independent Persons have been in appointed, a full recruitment process be undertaken for 2019-20. The County Council agreed for Governance and Ethics Committee to oversee the process.
4. It is proposed to establish a cross-party steering group comprising of 3 Members of Governance and Ethics Committee, and the Monitoring Officer as advisor, to oversee the recruitment process and undertake selection and interview as required. It is proposed that between 2 and 3 Independent Persons be appointed, depending on the number of suitable candidates identified. No allowance is payable for the role of Independent Person therefore the number of appointments does not impact costs, except for payment of expenses and any training undertaken.
5. Advertisements will be placed in Nottinghamshire's local newspapers, and the vacancy will be advertised online through the Council's job vacancy procedures. Neighbouring authorities will also be asked to make their Independent Members aware of the vacancy. Advertisements will encourage applications from all communities to ensure appointments represent Nottinghamshire's population appropriately. Initially it was proposed to advertise vacancies

together with Nottinghamshire Police and Crime Panel vacancies, but this proved unworkable due to conflicting timescales.

6. Advertising costs are estimated to be in the region of £1,700. These costs will be met from the Democratic Services budget.
7. The appointments will need to be approved at the County Council's annual meeting, following endorsement by Governance and Ethics Committee.
8. A draft job description and person specification is attached in the Appendix to this report.

Other Options Considered

9. It is a legal requirement to appoint at least 2 Independent Persons.

Reason/s for Recommendation/s

10. To ensure the vacancy is advertised sufficiently widely to attract a variety of candidates.

Statutory and Policy Implications

11. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) To establish a cross-party steering group comprising of 3 Members of Governance and Ethics Committee, and the Monitoring Officer as advisor, to oversee the recruitment process for the appointment of Independent Persons and undertake selection and interview as required.
- 2) To advertise the role as detailed in paragraphs 5 and 6 of the report.
- 3) To approve the job description and person specification attached in the Appendix to the report.
- 4) For Governance and Ethics Committee to receive a further report once recruitment and selection is complete, to consider endorsing the appointment of the preferred candidates to Full Council.

Marjorie Toward

Monitoring Officer and Service Director – Customers, Governance and Employees

For any enquiries about this report please contact:

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Constitutional Comments (HD 08/01/2019)

12. The recommendations proposed fall within the remit of Governance and Ethics Committee.

Financial Comments (SES 08/01/19)

13. The financial implications are set out in paragraph 6 of the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Report to Nottinghamshire County Council dated 10 May 2018 (published)

Electoral Division(s) and Member(s) Affected

- All