

**11 September 2019****Agenda Item: 11****REPORT OF THE MONITORING OFFICER****THE CODE OF CONDUCT FOR COUNCILLORS AND CO-OPTED MEMBERS  
– APPOINTMENT OF INDEPENDENT PERSON****Purpose of the Report**

1. For the Committee to consider endorsing a further appointment for the role of Independent Person to Full Council.

**Information**

2. Under the Localism Act 2011 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 are sought and taken into account in connection with the standards regime. 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 do so. Following changes in legislation, the Independent Person also has an advisory role in connection with any proposed dismissal of the Head of Paid Service, Chief Finance Officer (Section 151 officer) or Monitoring Officer.
3. In May 2018 the County Council decided that, due to the length of time that the existing Independent Persons had been appointed, a full recruitment process be undertaken for 2019-20. The County Council agreed for Governance and Ethics Committee to oversee the process. A cross-party steering group was established, comprising three Members of Governance and Ethics Committee (together with the Monitoring Officer as advisor) to undertake the selection process.
4. Following initial interviews, Craig Cole and Ian Bayne were formally appointed to the role for an initial period up to the next Annual Council meeting of 21 May 2020. These appointments were endorsed by Governance and Ethics Committee on 1 May 2019 and approved by Full Council on 16 May 2019.
5. The steering group undertook a further interview on 24 July 2019 and agreed that the candidate interviewed that day, Rob White, should also be recommended for appointment for the same time period.

6. The steering group recognised that having a third independent person appointed would widen the range of skills and experience available for the Council to call upon when required, and also offers a greater degree of flexibility to ensure that advice from an independent person can be available at short notice if necessary.
7. Mr White is retired, having had a long career in local government. He worked for five different local authorities in the roles of teacher and education officer and he therefore has experience of the Councillor /Officer interface and committee procedures. He is also the Vice-Chair of the governing body of a local school which has enabled him to develop skills which would also be highly relevant to the role of Independent Person. Two references have been received, both of which were positive and recommended Mr White for this role.

### **Financial Implications**

8. The role of Independent Person is unpaid, although travel expenses will be reimbursed as appropriate. Induction training will be provided for the three Independent Persons (which the Members of Governance & Ethics Committee and relevant officers have also been invited to attend) at a maximum cost of £750.

### **Other Options Considered**

9. To continue with only two Independent Persons appointed but it is felt that a wider pool of people increases the range of experience and skills available for the Council to draw upon.

### **Reason/s for Recommendation/s**

10. To enable appropriate approval for this further appointment, in line with the appointments made in May 2019.

### **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**

That the appointment of Rob White to the role of Independent Person, for an initial period up to 21 May 2020, be endorsed and recommended to Full Council for approval.

**Marjorie Toward**

**Monitoring Officer and Service Director – Customers, Governance and Employees**

**For any enquiries about this report please contact:**

Keith Ford, Team Manager, Democratic Services

E-mail: [keith.ford@nottscc.gov.uk](mailto:keith.ford@nottscc.gov.uk) Tel: 0115 9772590

### **Constitutional Comments (SLB)**

Governance and Ethics Committee is the appropriate body to consider the content of this report.

### **Financial Comments (RWK 25/07/2019)**

The costs of induction training at a cost of £750 will be met from the budget for Members Training for which there is a budget allocation of £5,000 in 2019/20.

### **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.

- Reports to Governance and Ethics Committee dated 30<sup>th</sup> January 2019 and 1 May 2019 and Report to Full Council – 16<sup>th</sup> May 2019 and minutes of those meetings (all published).

### **Electoral Division(s) and Member(s) Affected**

- All