

1 May 2019**Agenda Item: 15****REPORT OF THE MONITORING OFFICER****THE CODE OF CONDUCT FOR COUNCILLORS AND CO-OPTED MEMBERS
– APPOINTMENT OF INDEPENDENT PERSONS****Purpose of the Report**

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

Information

2. Some of the information relating to this report is not for publication by virtue of Schedule 12A of the Local Government Act 1972 as it is information relating to an individual. Having regard to all the circumstances, on balance the public interest in disclosing the information does not outweigh the reason for exemption because the information would add little to public understanding of the issues but would be of detriment to the reputation of the person concerned should the matter not be agreed. The exempt information is set out in the Exempt Appendix.
3. 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 (IP), 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 IP if they wish to do so. Following changes in legislation, the IP also has an advisory role in connection with any proposed dismissal of the head of Paid Service, Finance Officer (section 151 officer) or Monitoring Officer. .
4. In May 2018 the County Council decided that due to the length of time that the current IPs have 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. This steering group undertook the initial selection process with interviews arranged for 26th March and 29th April 2019.
5. As a result of the initial interview held on 26th March, one suitable candidate was identified. A brief summary of their details is included in the exempt Appendix to this report. Two satisfactory references have been received in respect of this candidate.

6. The steering group has two other candidates to interview, but the process has not been completed in their case, with the final interviews taking place on 29th April.
7. Should the steering group feel that either or both of the remaining two candidates prove suitable for appointment, then further information about these candidates will be circulated to the Committee prior to the meeting on 1st May. Any decisions of the Committee for these candidates will be subject to the receipt of satisfactory references.

Other Options Considered

8. It is a legal requirement to appoint at least 2 IPs.

Reason/s for Recommendation/s

9. To ensure that the County Council complies with legal requirements.

Statutory and Policy Implications

10. 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 Committee:

- 1) Considers endorsing to Full Council the appointment of the preferred candidate from the interviews held on 26th March, as detailed in the exempt appendix, for the role of Independent Person.
- 2) Considers endorsing to Full Council the appointment of any further candidates recommended by the steering group for the role of Independent Person, subject to the receipt of satisfactory references.

Marjorie Toward

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Constitutional Comments (SLB 03/04/2019)

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

Financial Comments

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 Governance and Ethics Committee dated 30th January 2019.

Electoral Division(s) and Member(s) Affected

- All