

WAVERLEY BOROUGH COUNCIL

STANDARDS COMMITTEE

21 JANUARY 2019

Title:

STANDARDS ARRANGEMENTS - APPOINTMENT OF INDEPENDENT PERSONS

[Wards Affected: All]

Summary and purpose:

Under the Localism Act 2011, the standards arrangements adopted by the Council are required to include provision for the appointment of at least one Independent Person. Waverley has appointed two Independent Persons, whose term of office ends in May 2019.

The Standards Committee is asked to consider the arrangements to recruit and appoint Independent Persons to take office from May 2019.

How this report relates to the Council's Corporate Priorities:

Good governance and high standards of conduct support the delivery of all of the Council's corporate priorities.

Equality and Diversity Implications:

There are no Equality and Diversity implications.

Financial Implications:

Each Independent Person is able to claim travel/mileage expenses in connection with performing their duties, which is met from the Members' Allowances budget.

Legal Implications:

The legal implications are set out in the body of the report. It is necessary for full Council to approve the appointment of the Independent Person(s).

Introduction

1. Section 28(7) of the Localism Act 2011 requires the standards arrangements adopted by the Council to include provision for the appointment of at least one Independent Person, whose views must be sought by the Council before it takes a decision on an allegation which it has decided shall be investigated, or at any other stage. The Member against which an allegation has been made can also consult them.

2. In connection with the implementation of the new Standards Arrangements from April 2012, Waverley worked with Guildford, Spelthorne and Mole Valley borough councils to recruit two Independent Persons. On 17 July 2012, Waverley's Council appointed Tony Allenby, Vivienne Cameron and Bernard Quorroll as Waverley's Independent Persons for an initial term to May 2013, which was subsequently extended to May 2015. On 17 February 2015, Council agreed to re-appoint Tony Allenby, Vivienne Cameron and Bernard Quorroll as Waverley's Independent Persons for a further term, to May 2019.
3. Waverley, along with the other councils that participated in the recruitment, has adopted an Independent Persons Protocol, attached at Annexe 1.
4. Section 28(8) of the Localism Act 2011 sets out the test of independence in the following terms:
 - (a) *a person is not independent if the person is—*
 - (i) *a member, co-opted member or officer of the authority,*
 - (ii) *a member, co-opted member or officer of a parish council of which the authority is the principal authority, or*
 - (iii) *a relative, or close friend, of a person within sub-paragraph (i) or (ii);*
 - (b) *a person may not be appointed under the provision required by subsection (7) if at any time during the 5 years ending with the appointment the person was—*
 - (i) *a member, co-opted member or officer of the authority, or*
 - (ii) *a member, co-opted member or officer of a parish council of which the authority is the principal authority;*
 - (c) *a person may not be appointed under the provision required by subsection (7) unless—*
 - (i) *the vacancy for an independent person has been advertised in such manner as the authority considers is likely to bring it to the attention of the public,*
 - (ii) *the person has submitted an application to fill the vacancy to the authority,*
and
 - (iii) *the person's appointment has been approved by a majority of the members of the authority;*
 - (d) *a person appointed under the provision required by subsection (7) does not cease to be independent as a result of being paid any amounts by way of allowances or expenses in connection with performing the duties of the appointment.*

Recruitment of Independent Persons for 2019-2023

5. Waverley's Independent Persons were recruited as part of a joint recruitment exercise with Guildford, Spelthorne and Mole Valley councils to advertise, shortlist and interview candidates for the appointment of Independent Persons for each authority. The shortlisting and interviewing was conducted by a panel comprising the respective Monitoring Officers (or deputies) of the three participating councils. The panel made recommendations to each council in respect of the appointment of their respective IPs.
6. Following discussion between Surrey Democratic Services Managers and Monitoring Officers, there is agreement in principle to once again undertake a joint recruitment exercise on behalf of seven Surrey boroughs and districts: Guildford, Epsom & Ewell, Mole Valley, Reigate & Banstead, Spelthorne, Surrey Heath, and Waverley.

7. The intention is to appoint at least three Independent Persons, with any such person being available to act as an Independent Person for any of the councils, for a four-year term of office commencing May 2019 and expiring in May 2023. Serving Independent Persons are eligible for re-appointment.
8. The positions will be advertised on the websites of each of the participating councils at the end of January, with the deadline for written applications being 22 February 2019. Shortlisting will take place Monday 25 February and the Joint Appointments Panel will meet early in March to interview candidates if necessary, with the aim of submitting recommendations to each of the participating councils for confirmation of formal appointments in time for May 2019.

Conclusion

9. The joint approach to recruiting Independent Persons worked very well in 2012, and it is an effective and efficient way of councils filling statutory but very specialised roles. In order to meet the time scales of confirming the formal appointments before May 2019, bearing in mind that last Council meeting of the council year is on 19 March 2019, it is proposed that a delegated authority is sought from Council for the Monitoring Officer to confirm the appointment of at least three Independent Persons from May 2019, after consultation with the Chairman of the Standards Committee.

Recommendation

The Standards Committee is asked to:

- 1) agree the joint arrangements to advertise, shortlist and interview candidates for the appointment of Independent Persons from May 2019; and
- 2) recommend to Council that the Monitoring Officer be given delegated authority to confirm the appointment of at least three Independent Persons for a four-year term from May 2019, after consultation with the Chairman of the Standards Committee.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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