

# CHESHIRE EAST COUNCIL

## Council

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<b>Date of Meeting:</b>	<b>28 July 2016</b>
<b>Report:</b>	<b>Director of Legal Services and Monitoring Officer</b>
<b>Subject/Title:</b>	<b>Appointment of Independent Persons for Standards Matters</b>

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### **1.0 Report Summary**

- 1.1 This report invites Council to appoint up to three Independent Persons to work with the Monitoring Officer and the Audit and Governance Committee on standards matters in accordance with the Localism Act 2011 ('the Act') and the Council's code of conduct complaints procedure.
- 1.2 Following public advertisement, shortlisted applicants were interviewed by a panel on 18 July 2016. Following those interviews, references are being taken up and the names of the persons recommended by the panel for appointment by Council will be circulated to Members prior to the commencement of the meeting on 28 July.

### **2.0 Recommendation**

- 2.1 That Council appoint up to three Independent Persons pursuant to section 28 of the Localism Act 2011.

### **3.0 Reason for Recommendation**

- 3.1 To comply with the requirements of the Act, the Council must appoint at least one Independent Person to deal with standards matters. To ensure that an Independent Person is always available, allowing for possible conflicts of interest and absences, it is recommended that three Independent Persons are appointed.

### **4.0 Implications for Rural Communities**

- 4.1 Cheshire East Council is responsible for handling standards complaints relating to 107 town and parish councils within the borough.

### **5.0 Legal Implications**

- 5.1 These are set out in the Background to this report. To comply with the requirements of the Act, the Council must appoint at least one Independent Person.

## **6.0 Risk Management**

- 6.1 Failing to appoint an Independent Person would place the Council in breach of its statutory duty under the Act and prevent the Monitoring Officer from dealing with complaints in accordance with the Council's code of conduct complaints procedure.

## **7.0 Background**

- 7.1 Section 28 of the Act requires the Council to appoint one or more Independent Persons.

- 7.2 The Independent Person has three roles to perform:

- (a) The views of an Independent Person must be sought and taken into account by the Council before it makes a finding that any Member has failed to comply with its code of conduct or imposes any sanction;
- (b) The views of an Independent Person may be sought on whether to investigate a complaint and how to deal with a particular allegation; and
- (c) Any Member against whom an allegation has been made (including a town or parish councillor) may consult the Independent Person regarding that allegation.

- 7.3 Individuals appointed as Independent Persons must be recruited through a formal procedure in line with the Act. To be compliant:

- (i) The vacancy must be advertised in such manner as the authority considers is likely to bring it to the attention of the public;
- (ii) An applicant has to submit a formal application to be appointed as an Independent Person, and
- (iii) The Independent Person's appointment must be approved by 'a majority of the members of the authority.'

The last requirement means that the appointment must be made by the Full Council.

- 7.4 An Independent Person must **not** be:

- (i) A member, co-opted member, or officer of Cheshire East Council; or
- (ii) A member, co-opted member, or officer of a town or parish council within Cheshire East; or
- (iii) A relative or close friend of any of the above.

7.5 In addition to the restrictions in the preceding paragraph, an Independent Person must **not** have been, at any time in the 5 years preceding the date of their appointment:

- (i) A member, co-opted member, or officer of Cheshire East Council; or
- (ii) A member, co-opted member, or officer of a town or parish council within Cheshire East.

## **8.0 Present position**

8.1 In accordance with the Act, a public advertisement campaign was undertaken to attract suitable applicants for the role of Independent Person. This attracted a large number of well qualified applicants.

8.2 Following a structured selection process, shortlisted applicants were interviewed on 18 July 2016 by a panel comprising the Chair and Vice Chair of the Audit and Governance Committee, the Deputy Leader of the Labour Group, and the Monitoring Officer. Following those interviews, references are being taken up and the names of the persons recommended by the panel for appointment by Council will be circulated to Members prior to the commencement of the meeting on 28 July.

## **9.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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