

FULL COUNCIL**18 JULY 2012****REPORT OF THE MONITORING OFFICER****LOCALISM ACT 2011:
APPOINTMENT OF INDEPENDENT PERSONS****1.0 PURPOSE OF REPORT**

- 1.1 To appoint two Independent Persons under the Localism Act 2011 to give an independent view on allegations that a Councillor has not complied with the Code of Conduct.

2.0 RECOMMENDATIONS

- 2.1 **To appoint Mr Leonard Tempest and Mr Gordon Grimes as the Independent Persons for the purposes of the Localism Act 2011 and these appointments to be effective forthwith.**

3.0 KEY ISSUES

- 3.1 As reported to the Governance Committee on 27 June 2012, the Commencement Order in respect of the Localism Act 2011 was published on 8 June 2012 bringing into force new arrangements in respect of the conduct of Members from 1 July 2012.
- 3.2 Councils have a new duty to promote and maintain high standards of conduct by their elected Councillors and co-opted Members. Under Section 28(6) and (7) of the Localism Act 2011, every district/borough council must have in place 'arrangements' under which allegations that a Member or co-opted Member of that council (or any Member or co-opted Member of a town or parish council within that district/borough council's area) has failed to comply with the relevant council's code of conduct can be investigated and decisions made on such allegations.
- 3.3 The Council must appoint at least one "independent person" – essentially not a current or former officer or member of the Council or a relative or close friend of either of the aforementioned categories. The Independent Person must be consulted before making a decision on a Member conduct complaint that has been investigated. The Council may also consult with that person when deciding whether to accept or reject a new complaint when it is received. The Independent Person will also be available for consultation by the Member who is the subject of the complaint.
- 3.4 The recruitment process for this appointment consisted of details being published on the Council's website on 12 June, an advertisement in the Melton Times on 14 June, and the Leicester Mercury on 13 June. A copy of the advertisement is attached at Appendix A. The job description and person specification for the Independent Persons are attached at Appendix B.
- 3.5 Following this advertisement 4 applications were received by the closing date of 28 June and interviews were held on 5 July. The Independent Persons recruitment panel comprised the Chair of Governance Committee, Councillor Norman Slater as a member of the Governance Committee, and the Monitoring Officer.
- 3.6 The panel, after thorough examination of the job description, person specification, and the interviews have recommended that the Council appoint Mr Leonard Tempest and Mr Gordon Grimes as the Independent Persons for Melton Borough Council. Mr Tempest is a barrister by profession, his last position before retirement was Deputy Clerk to the Justices

for North Leicestershire. Since his retirement he has worked freelance mainly for the Lincolnshire Magistrates Courts. Mr Grimes has had a long career within the public sector in a senior civil service role. He is currently working with several Leicestershire schools and academies to improve governance processes and undertakes voluntary work as an Independent Custody Visitor for Leicestershire Police Authority.

4.0 POLICY AND CORPORATE IMPLICATIONS

4.1 The Council is required by the Localism Act 2011 to appoint at least one Independent Person as part of the arrangements in place to demonstrate the promotion of good ethical governance. It provides an opportunity to retain confidence in the ethical governance of the Borough Council and demonstrates a commitment to public accountability for the actions of the Members.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 The implementation of the new ethical governance requirements will impact on Democratic Services resources. The Independent Persons will be paid an allowance and expenses in line with that previously paid to Independent Members until such time as the remuneration is revised by the Welland Remuneration Panel.

6.0 LEGAL IMPLICATIONS/POWERS

6.1 These are referred to in the body of the report.

7.0 COMMUNITY SAFETY

7.1 There are no specific community safety issues.

8.0 EQUALITIES

8.1 The recruitment process took into account equality and diversity issues.

9.0 RISKS

9.1 To consider and give any Risks related to this report and if there are risks to complete the tables below. If there are no risks identified, then delete the table

Probability



Very High A				
High B				
Significant C				
Low D			1	
Very Low E				
Almost Impossible F				
	IV Negligible	III Marginal	II Critical	I Catastrophic

Impact

Risk No.	Description
1	Failure to appoint an Independent Person will be in breach of the legislation and a failure to demonstrate the effective promotion of ethical governance.

10.0 CLIMATE CHANGE

10.1 There are no specific climate change issues as a result of this report.

11.0 CONSULTATION

11.1 The Governance Committee Members were consulted and given an opportunity to participate in the recruitment process.

12.0 WARDS AFFECTED

12.1 All wards are affected.

Contact Officer: Christine Marshall, Strategic Director & Monitoring Officer
Date: July 2012

Appendices : A Independent Person advertisement
B Independent Person Job Description and Person Specification

Background Papers: Localism Act 2011

Reference : X : Committees\Council Meetings\180712