



# Annual Council

26 May 2021

**Report of:** Monitoring Officer

## Independent Person Recruitment

<b>Corporate Priority:</b>	All
<b>Relevant Ward Member(s):</b>	N/A
<b>Date of consultation with Ward Member(s):</b>	N/A
<b>Exempt Information:</b>	Appendix 1 of this report contains exempt information and is not for publication in accordance with Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

### 1 Summary

- 1.1 Section 28 of the Localism Act 2011 requires provision for the appointment of at least one Independent Person whose views must be sought and taken into account before the authority makes a decision on an allegation or complaint relating to a member.
- 1.2 The independent person(s) may be consulted by the Council's Monitoring Officer in respect of an allegation against a Member as well as by a Member or Co-opted Member of the Council against whom an allegation or complaint has been made.
- 1.3 Following a recent County-wide recruitment process this report seeks authority to appoint named individuals recommended following the interview process as Independent Persons to form a pool of Independent Persons for Leicestershire.

### 2 Recommendations

- 2.1 That Council appoint the following people as Independent Persons to perform the roles set out in section 28(7) of the Localism Act 2011 and the Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015 with effect from 25 May 2021 for a four year term of office until annual council in May 2025:
  - i) Mr Michael Gibson
  - ii) Mr Richard Gough
  - iii) Mr Michael Pearson
  - iv) Mr Laurence Faulkner
  - v) Mr Mark Shaw

2.2 **That Council note the appointment of Mr Gordon Grimes that has been previously approved which will remain in place until July 2022 and authorise the appointment Mr Gordon Grimes to continue from this point until annual council in May 2025 in order to synchronise all terms of office**

### **3 Reason for Recommendations**

3.1 To comply with the requirements of section 28 of the Localism Act 2011.

### **4 Background**

4.1 The Localism Act 2011 received Royal Assent on 15th November 2011. The Act required the Council to put in place arrangements for investigating and taking decisions on complaints relating to borough councillors and parish councillors within the Borough of Melton. Those arrangements must include the appointment of one or more Independent Persons who must be consulted before decisions in respect of complaints are taken and who may be consulted by Members who may be the subject of a complaint.

4.2 The Independent Person can only be appointed following the submission of an application following advertisement and approval by a majority of the members of the Authority. In order to be eligible the Independent Person must not be or have been in the previous 5 years a member, co-opted member or officer of the Council (or a relative, partner or close friend of that member).

4.3 By way of background, a recruitment campaign was launched by all Authorities in March 2020 led by Hinckley and Bosworth Borough Council. Monitoring Officers at three Districts including Melton Borough Council were due to undertake the interview process in April 2020 but unfortunately during the recruitment exercise, the World Health Organisation declared a pandemic due to Covid-19. The recruitment was put on hold and all Authorities sought approval to extend the existing appointments.

4.4 Melton Borough Council appointed the identified Independent Persons for one year only at the last annual meeting of the Council in May 2020. The Council also agreed to continue with the appointment of Mr Grimes.

### **5 Main Considerations – Recruitment Process**

5.1 In January 2021, the District and Borough Monitoring Officers agreed to re-commence the joint recruitment exercise to select new Independent Persons. It was felt that this approach had secured a selection of good quality candidates in the past and would provide resilience by continuing the pool arrangement in the future. The recruitment exercise was led by the Monitoring Officers from North West Leicestershire District Council, Oadby and Wigston Borough Council and Melton Borough Council.

5.2 Following a recruitment process which included an application process, shortlisting and interviews, six candidates were identified and are now being recommended for the appointment of an Independent Person:

- Mr Michael Gibson
- Mr Gordon Grimes
- Mr Richard Gough
- Mr Michael Pearson
- Mr Laurence Faulkner
- Mr Mark Shaw

- 5.3 A brief resume of each candidate can be found at Appendix 1 (Exempt).
- 5.4 In addition, as a result of changes introduced by The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015 where an authority is considering the dismissal of a Statutory Officer it is required to appoint a Committee (referred to in the regulations as "the Panel") to consider the proposed dismissal which must include at least two "Independent Persons".
- 5.5 It is proposed that the Independent Persons appointed for the purposes of the Standards Regime also be appointed as Independent Persons for the purposes of the dismissal procedure.
- 5.6 It is recommended that the Independent Persons proposed are appointed until Annual Council in May 2025.

## **6 Options Considered**

- 6.1 To take no action. This is not considered the best option as identified within the report it is a legal requirement.

## **7 Consultation**

- 7.1 The Audit and Standards Committee would usually have received this report and recommended to Council but due to the timetable for recruitment and the Audit and Standards meetings and the pandemic it has not been possible. The Audit and Standards Committee has been kept apprised of developments and this report has been shared with the Chair of the Audit and Standards Committee.

## **8 Next Steps – Implementation and Communication**

- 8.1 The Council will use the pool of Independent Persons as identified.

## **9 Financial Implications**

- 9.1 The newly appointed Independent Persons under the new arrangements and in line with other Leicestershire Authorities may claim expenses, as per the Members' Allowances Scheme 2020/21.

**Financial Implications reviewed by: Director for Corporate services**

## **10 Legal and Governance Implications**

- 10.1 Implications are contained within the report.

**Legal Implications reviewed by: Monitoring Officer**

## **11 Equality and Safeguarding Implications**

- 11.1 The recruitment process was undertaken in accordance with equalities legislation and advertisements were listed in local newspapers and online to reach a range of audiences.

## **12 Community Safety Implications**

- 12.1 There are no community safety implications

## **13 Environmental and Climate Change Implications**

- 13.1 There are no environmental and climate change implications

## **14 Other Implications (where significant)**

- 14.1 There are no other implications.

## 15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Non compliance with legislation if the Council's only Independent Person is unavailable	Significant	Marginal	Medium Risk
2	Lack of independence due to only one Independent Person	Low	Marginal	Low Risk

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant		1		
	3 Low		2		
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	A wider pool as recommended would eliminate this risk.
2	A wider pool as recommended would eliminate this risk.

## 16 Background Papers

Independent Person Report – 14 May 2020:

<https://democracy.melton.gov.uk/documents/s9253/Independent%20Person%20Appointment%20-%20FINAL.pdf>

## 17 Appendices

### 17.1 Appendix 1 – Exempt

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