

COUNCIL – 26TH APRIL 2021

Report of the Monitoring Officer

Part A

ITEM 6.6 APPOINTMENT OF INDEPENDENT PERSONS

Purpose of Report

For the Council to make appointments of Independent Persons in accordance with the requirements of the Localism Act 2011.

Recommendations

1. That the following people be appointed as Independent Persons for a term of office of four years to perform the roles set out in section 28(7) of the Localism Act 2011, with effect from the beginning of the 2021/22 Council year and until the end of the 2024/25 Council Year:
 - Mr Michael Gibson
 - Mr Laurence Faulkner
 - Mr Mark Shaw
2. That the maximum term of office for any individual to hold the position of Independent Person is set as eight years, being two terms of office of four years each.

Reasons

1. To comply with the requirements of section 28 of the Localism Act 2011.
2. To ensure that the positions of Independent Persons are rotated periodically in order to ensure objectivity and independence.

Policy Justification and Previous Decisions

The Localism Act 2011 requires the Council to put in place arrangements for investigating and taking decisions on complaints relating to Borough Councillors and parish and town councillors in the Borough, including 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 councillors who are complained about.

Council agreed the appointment of six Independent Persons at the meeting on 25th April 2016 (minute 99.2 refers). Due to the COVID-19 Pandemic the recruitment campaign was delayed and it was agreed to extend these appointments for the 2020/21 Council year at its meeting on 29th June 2020

(minute 10 refers). The terms of office of the existing Independent Persons therefore comes to an end shortly.

Implementation Timetable including Future Decisions and Scrutiny

The people recommended for appointment as Independent Persons would be appointed with immediate effect from the beginning of the 2021/22 civic year.

A full recruitment process was conducted during the 2020/21 Council year jointly with other Leicestershire authorities.

The term of office for current Independent Persons will finish at the end of the 2020/21 civic year unless reappointed. If an IP is participating in a live investigation of a member conduct complaint, the term of office in this situation will then end after the completion of that particular member conduct complaint.

Report Implications

The following implications have been identified for this report.

Financial Implications

Independent Persons may claim travelling and other expenses as per the Members' Allowances scheme. A budget exists for any expense claims made.

Risk Management

No specific risks have been identified in relation to this decision.

Background Papers: [Localism Act and Explanatory Notes](#)

Appendix 1: Brief Resume of recommended candidates

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Part B

1.0 Background

- 1.1 On 25th June 2012 Council considered a report which detailed the changes to the role of the Independent Person (IP) introduced to the Standards Regime under the Localism Act 2011 (minute 17.3 refers). Under the Act, the Independent Person is involved from the outset in any allegations about conduct under the Members' Code of Conduct.
- 1.2 Since then, the Council has been part of an IP pool arrangement with the seven other Leicestershire District and Borough Councils. Appointment to the pool has been conducted as a joint recruitment exercise led by a working group comprising 3 Monitoring Officers. Appointments were made to the pool in 2012 and 2016 and the appointments were also extended for the 2020/21 Council year to enable Councils to synchronise their respective terms of office. Due to the COVID-19 Pandemic the recruitment campaign with a number of Leicestershire authorities (Charnwood, Blaby, North West Leicestershire, Oadby & Wigston, and Hinckley & Bosworth) did not take place and therefore given the circumstances it was appropriate that the current appointments be renewed for one year. The term of office of the current pool expires at the Annual Council meeting.

2.0 Recruitment process

- 2.1 In January 2021, the District and Borough Monitoring Officers agreed to a joint recruitment exercise to select new IPs. 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. The recruitment exercise was led by the Monitoring Officers from North West Leicestershire District Council, Oadby and Wigston Borough Council and Melton Borough Council. Following a recruitment process and interview, six candidates were recommended for appointment as IPs. At Charnwood Borough Council Independent Persons can be appointed for a maximum of eight years or two terms of office. Of the six candidates recommended for appointment, three candidates were identified as having been previously appointed by Charnwood Borough Council for two terms already. Therefore three candidates are recommended for appointment as IPs. A brief resume of each candidate can be found at Appendix 1.
- 2.2 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 2 "Independent Persons".

2.3 When Council approved the amendments to the Constitution at its meeting held on 29th June 2015 (minute 18.1 refers) to reflect the legislative changes in the dismissal procedure, it decided to appoint the Independent Persons appointed for the purposes of the Standards Regime as Independent Persons for the purposes of the dismissal procedure.

APPENDIX 1

Mr Michael Gibson

Mr Gibson is an Ethical Practice Officer at NEBOSH (National Examination Board in Occupational Safety and Health offering qualifications covering health and safety and risk management) and undertakes investigations concerning potential examination malpractice. He conducts investigations into allegations of suspected malpractice against individuals and organisations. Mr Gibson lives in Whetstone, Leicester.

Mr Laurence Faulkner

Mr Faulkner is a Supplemental List Magistrate and volunteers with the Witness Service supporting prosecutions and witnesses at Loughborough Magistrates Court. He was a member of the Leicestershire Police Authority for four years and sat on appeal panels against dismissal for police officers and support staff. Mr Faulkner lives in Hungerton, Leicester.

Mr Mark Shaw

Mr Shaw is employed as a Clerk to the governing bodies of four schools / academies in Leicester and Nottingham. He is also an associate member of the Chartered Institute of Arbitrators and a member of the Independent Monitoring Board at HMP Leicester, a role which involves considering complaints from prisoners. Mr Shaw lives in Leicester. If appointed, this will be Mr Shaw's second term of office as an Independent Person for Charnwood Borough Council.