

Council

27 February 2018

Report of the Monitoring Officer**STANDARDS - APPOINTMENT OF INDEPENDENT PERSONS****1 Purpose of report**

To seek approval for the appointment of two Independent Persons for Standards, in accordance with the Localism Act 2011.

2 Executive summary

Under the provisions of the Localism Act 2011, the way that the council maintains high standards of conduct and deals with complaints about its elected members and town and parish councillors requires the appointment of at least one Independent Person.

3 Proposed action:

Council is invited to RESOLVE to:

- 3.1 **agree to extend the appointment of Dean Smith as the council's Independent Person for Standards for a period of three years with effect from 28 February 2018; and**
- 3.2 **agree to the appointment of Inamullah (Inam) Khan as the council's additional Independent Person for Standards for a period of three years with effect from 28 February 2018.**

4 Background

- 4.1 At its meeting on 16 October 2012, the council received a report setting out the changes made to the Standards Regime under the Localism Act 2011.
- 4.2 Council agreed to approve the new arrangements, which included the statutory requirement to appoint an Independent Person.
- 4.3 In July 2015, council appointed Dean Smith for a period of three years.

5 Discussion

- 5.1 The Localism Act provides that the Independent Person is to be consulted by the council before a decision is made on an allegation that it has decided to investigate. Their views may also be sought on other matters and by members who are the subject of an allegation.
- 5.2 Dean Smith has been supporting the council on standards matters since his appointment. Whilst these matters have not been excessive, professional advice was received that it would be prudent to appoint a second Independent Person.
- 5.3 The role was advertised on the council's website. Mr Inamullah Khan was interviewed on 29 January 2018 by the monitoring officer and assistant director and was able to demonstrate his abilities against the essential criteria to undertake the role.

- 5.4 Mr Khan has confirmed that he is willing to act as the Independent Person. The Localism Act requires the appointment to be made by full council and the recommendation is, therefore, to appoint Mr Khan.
- 5.5 Mr Smith's initial three year appointment is due to expire in July 2015 and it was considered sensible to extend his appointment now rather than bring forward a report on the same matter nearer the time.
- 5.6 The legislation permits the appointment of the Independent Person for any period and it is considered appropriate to appoint Mr Smith and Mr Khan for a period of three years. The appointment will be kept under review by the monitoring officer and may be renewed or extended subject to the agreement of council.
- 5.7 The previous monitoring officer drafted a protocol for the Independent Person in consultation with Mr Smith, and the draft will be submitted to the standards committee for consideration.

6 Legal powers

The provisions of the Localism Act 2011 require the appointment of at least one Independent Person.

7 Financial and value for money implications

A fixed allowance of £647 per annum is payable for this role, together with reimbursement of travel and subsistence expenses.

8 Risk analysis

The council is required to appoint an Independent Person to comply with the Localism Act 2011.

9 Implications for equalities

Recruitment to the role was conducted in accordance with the council's recruitment and retention policy.

10 Author and contact officer

Karen Denton, Assistant Director

11 Consultees

Julie Thomas, Monitoring Officer
Liz Elliot, Managing Director
Bridget Gamble, Director

12 Background papers

There are no additional background papers, other than those referred to in the report.