

# Agenda Item 17.

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| <b>TITLE</b>                | <b>Appointment of Independent Persons under the Localism Act 2011</b>              |
| <b>FOR CONSIDERATION BY</b> | Council on 18 May 2017   |
| <b>WARD</b>                 | None Specific  |
| <b>DIRECTOR</b>             | Andrew Moulton, Monitoring Officer and Head of Governance and Improvement Services |

## **OUTCOME / BENEFITS TO THE COMMUNITY**

That the Council can comply with the legislative framework introduced by the Localism Act 2011 and that the public will have confidence that appropriate measures are in place with regard to Councillors' ethical standards.

## **RECOMMENDATION**

Council is recommended to agree that:

- 1) Paddy Haycocks and Nicholas Oxborough be appointed as 'Independent Persons' under Section 28 (7) of the Localism Act 2011, increasing the number of the Council's Independent Persons to three including David Comben an existing Independent Person;
- 2) the decision made by the Council in July 2012 be reaffirmed and an allowance of £1,000 per annum be paid for the position of Independent Person.

## **SUMMARY OF REPORT**

This report requests that Council appoints Paddy Haycocks and Nicholas Oxborough to the position of Independent Persons under Section 28 (7) of the Localism Act 2011.

## **Background**

Under the Localism Act 2011, the arrangements adopted by the Council to deal with the consideration of Councillor Code of Conduct complaints must include provision of one or more Independent Persons. Under the Act the functions of an Independent Person are as follows:

- They must be consulted by the Council before it makes a finding as to whether a Councillor has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Councillor (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);
- They may be consulted by the Council in respect of a standards complaint at any stage of the process; and
- They may be consulted by a Councillor or co-opted member of the Borough Council or of a Parish Council against whom a complaint has been made.

Under the locally agreed process for the consideration of Councillor Code of Conduct complaints set out in Chapter 9.1.12 of the Council's Constitution, provision was made for consultation by the Monitoring Officer with an Independent Person, (together with the Chairman or Vice-Chairman of the Standards Committee) at each stage of the complaints process. Provision was also made for Councillors against whom a complaint has been made to consult an Independent Person if they wish.

Under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, Independent Persons also have an additional formal statutory role working together as a Panel in advising the Council prior to any vote on whether to dismiss the Council's Head of Paid Service, Monitoring Officer or Chief Finance Officer, ('Protected Officers'). Under these regulations the advisory Panel must contain at least two Independent Persons.

## **Analysis of Issues**

In July 2012, David Comben was appointed as the Council's Independent Person and remains in that role. In September 2015, following the additional responsibilities set out in the 2015 Regulations, David Jones and Carole Luurtsema were appointed. David Jones resigned in November 2016 and Carole Luurtsema resigned in April 2017.

In order to provide a greater degree of capacity and resilience within the Councillors Code of Conduct Complaints and to also reflect the additional responsibilities on Independent Persons resulting from the changes to the dismissal of Protected Officers process it is proposed that two additional Independent Persons be appointed in addition to David Comben.

In accordance with the provisions of the Localism Act, an advertisement for the Independent Person role was placed on the Council's website in April 2017. Seven candidates submitted formal written applications and five were interviewed on 3/4 May 2017 by the Monitoring Officer and the Principal Democratic Services Officer.

Following this process it is recommended that Council appoint Paddy Haycock and Nicholas Oxborough as Independent Persons in addition to David Comben. A short

biography of each candidate is attached as Appendix 1. Prior to undertaking the role appropriate training will be provided.

As an Independent Person is not a member of the authority or of its Committees or Sub-Committees, the remuneration of the Independent Person no longer comes within the scheme of Members' allowances, and can therefore be determined without reference to the Independent Remuneration Panel. In July 2012 it was agreed by the Council that an allowance of £1,000 be paid to each Independent Person. This is consistent with the Special Responsibility Allowance currently paid to the Chairman of the present Standards Committee, (£1,250) and broadly in line with allowances proposed to be paid to Independent Persons in other Berkshire unitary authorities. It is not proposed to amend the level of allowance.

### **FINANCIAL IMPLICATIONS OF THE RECOMMENDATION**

***The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.***

|                                   | How much will it Cost                                  | Is there sufficient funding – if not quantify the Shortfall | Revenue or Capital? |
|-----------------------------------|--|---|---------------------|
| Current Financial Year (Year 1)   | £2,726 (takes account of part payment for two new IPs) | Yes   | Revenue             |
| Next Financial Year (Year 2)      | £3,000 (total payment to all three IPs);               | Yes   | Revenue             |
| Following Financial Year (Year 3) | £3,000   | Yes   | Revenue             |

#### **Other financial information relevant to the Recommendation/Decision**

None

#### **List of Background Papers**

Localism Act 2011

Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

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| <b>Date</b> 8 May 2017            | <b>Version No.</b> 1.00                            |

## Independent Persons Information

### **Paddy Haycocks**

Paddy Haycocks worked as a Drama and English teacher in local schools for eight years before developing a career in television, radio and print journalism. He worked as a scriptwriter, researcher, news presenter, producer and director.

Paddy also worked as a broadcast/media consultant and served as a trustee of Learning Through Action, a charity supporting young people. He is currently Chairman of the Froghall Drive Residents' Association.

### **Nicholas Oxborough**

Nicholas Oxborough has lived in Wokingham Borough since 1967. He attended Primary and Comprehensive schools in Wokingham and then a local college where he studied photography. He has worked in the Royal Berkshire Fire and Rescue Service in an operational role for 34 years and now specialises as a Fire Safety Inspector. During his career in the service he has had opportunity to manage and be responsible for the delivery of the service to the community of Wokingham Borough, as well as working with members of Royal Berkshire Fire Authority. He is a Member of the Institute of Fire Engineers and has also achieved other management and technical qualifications associated with his roles in the Service.