

Agenda Item 37.

TITLE	Appointment of Independent Persons under the Localism Act 2011
FOR CONSIDERATION BY	Council on 17 September 2015
WARD	None Specific
DIRECTOR	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) David Jones and Carole Luurtsema 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 David Jones and Carole Luurtsema 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.

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, Independent Persons now 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 and 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 and John Bingham were appointed as the Council's Independent Persons. David Comben remains in that role, but unfortunately John Bingham died in May 2015.

In seeking to appoint to the vacancy left by John Bingham's death it was also decided to seek to increase the total number of Independent Persons from two to three in order to provide a greater degree of capacity and resilience within the Councillors Code of Conduct Complaints and to also reflect the potential additional responsibilities on Independent Persons resulting from the changes to the dismissal of Protected Officers process.

In accordance with the provisions of the Localism Act, an advertisement for the Independent Person role was placed on the Council's website in June 2015. Two candidates submitted formal written applications and were interviewed in July by the Monitoring Officer and the Service Manager Democratic Services.

Following this process it is recommended that Council appoint David Jones and Carole Luurtsema as Independent Person 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)	£2,166 (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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Independent Persons Information

David Jones

David Jones has worked for Waitrose for 33 years and has fulfilled a number of senior roles in retail, commercial and personnel sectors. He is currently the Supply Chain Director based at Waitrose's head office in Bracknell.

He is an Independent Member and Deputy Chairman of the Bracknell Forest Council Standards Committee and previously was the Chairman of the Thames Valley Police Authority's Standards Committee. He is currently the Chairman of the Wokingham Borough Council Independent Remuneration Panel.

Carole Luurtesema

Carole Luurtsema is a Borough resident with over ten years of experience of working for and engagement with local authorities as a Youth Worker, Leisure Worker and Youth Arts Worker. She has also worked alongside a range of community groups and individuals including elected members in seeking to encourage community participation.