

REPORT TITLE: APPOINTMENT OF INDEPENDENT PERSONS AND PARISH REPRESENTATIVES

5 APRIL 2017

REPORT OF PORTFOLIO HOLDER: COUNCILLOR GUY ASHTON, PORTFOLIO HOLDER FOR PROFESSIONAL SERVICES

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WARD(S): ALL

PURPOSE

The City Council's Standards Committee consists of seven City Councillors, three Parish Representatives and is also advised by three Independent Persons. The current terms of office for the three Independent Persons and three Parish Representatives come to an end on 30 April 2017.

Following an approach made by them, the Head of Legal and Democratic Services has been in discussion with the Hampshire Fire and Rescue Authority (HFRS), over the possibility of Winchester City Council's Independent Persons being a shared resource to also act (collectively) as an Independent Person for HFRS. HFRS currently have one Independent Person which has been considered adequate in terms of work loads etc. This approach was agreed by both authorities and accordingly a joint recruitment exercise was undertaken during February/March 2017.

The three Parish Representatives on the Standards Committee have the same term of office but are appointed by a separate process – nominations invited to be received via Parish Clerks or via Hampshire Association of Local Councils.

Following the closing date for application to the roles, an informal recruitment panel of Members of the Standards Committee (and for the roles of Independent Persons: inclusive of a representative of HFRS) considered applications received. It referred its recommended candidates for appointment to the roles to a special meeting of the Standards Committee held on 21 March 2017.

The Standards Committee has accordingly made its formal recommendations to Council for appointments. These are set out in the minute extract in Exempt Appendix B to this Report.

An extract of the minutes of the Standards Committee held 30 January 2017 is set out at Appendix A for information. This details the process agreed by the Committee for the recruitment for both roles, terms of office and remuneration etc.

RECOMMENDATION:

That Council considers the matters set out in the minute extract of the Special Meeting of the Standards Committee held 21 March 2017 as set out at Exempt Appendix B to this Report

IMPLICATIONS:

1 COUNCIL STRATEGY

- 1.1 Appointing Independent Persons is a statutory requirement. Together with the Parish Representatives on the Standards Committee they provide an important role in ensuring that the proper governance of the Council and its decision making structures.

2 FINANCIAL IMPLICATIONS

- 2.1 Independent Persons each receive a fixed allowance of £400 per annum together with reimbursement of travel expenses. HFRS have agreed to contribute £100 to each of the three Independent Person allowances. This will create a saving to the City Council of £300 per annum and £200 per annum for HFRS (as they currently pay their existing Independent Person £500 per annum). HFRS will also contribute towards recruitment costs.
- 2.2 For information, the Parish Representatives receive a fixed allowance of £240 per annum together with reimbursement of travel expenses.
- 2.3 Budgetary provision exists for these payments.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 Appointing at least one Independent Person is a statutory requirement of the Localism Act 2011. To provide cover for absence etc, the City Council decided to appoint three 'Independent Persons' and it is recommended that this practice continues.

4 WORKFORCE IMPLICATIONS

- 4.1 None

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None

6 CONSULTATION AND COMMUNICATION

- 6.1 An advert for the appointments was placed in Hampshire Chronicle and on the HFRS/County Council and City Council websites.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 None

8 EQUALITY IMPACT ASSESSEMENT

- 8.1 Clear selection criteria were set out in the recruitment pack and the Council welcomed applications from all potential candidates who meet these.

9 RISK MANAGEMENT

Risk (Detail in this column specific risks, under each of these headings)	Mitigation	Opportunities
<i>Property –n/a</i>		
<i>Community Support – loss of support for Council’s work as a result of inappropriate behaviour/lack of transparency.</i>	Appointing independent persons to fulfil their statutory role reduces risk.	Enhanced independent scrutiny of Council by independent persons.
<i>Timescales – independent person not recruited by start of new municipal year.</i>	Joint recruitment with HFRS.	
<i>Project capacity</i>	n/a	
<i>Financial / VfM</i>		Sharing the recruitment of independent persons reduces costs.
<i>Legal- risk of legal challenge if independent person not appointed.</i>	Joint recruitment with HFRS enhances scope and should increase pool of possible recruits.	
<i>Innovation –n/a</i>		
<i>Reputation – harm to reputation due to Member conduct.</i>	Appointment of independent person increases external scrutiny.	
<i>Other – n/a</i>		

10 SUPPORTING INFORMATION:

- 10.1 The Council’s existing appointments to the three Independent Person posts were made for two years and their term of office is due to expire on 30 April 2017. During the previous two years, the three Independent Persons have each performed an important role in supporting the Standards Committee and the Monitoring Officer with various investigations and enquiries related to the Council’s Code of Conduct.
- 10.2 There are benefits to both authorities from the proposal for the existing three posts becoming a shared resource with HFRS. As well as small financial savings to both authorities, there will be increased capacity from the sharing

of expertise. The roles will also be potentially more diverse and interesting for the post holders.

- 10.3 The Standards Committee supported a proposal of the Head of Legal and Democratic Services that recruitment to the role is once again made on a two year term (i.e. until 30 April 2019), but with provision giving delegated authority (in consultation with the Chairman) for the term of office to be extended for a further two years. This will help deliver continuity in the role and allow for the development of expertise over the longer period.
- 10.4 The Informal joint panel to sift and recommend applications to the special Standards Committee on 21 March 2017 also made its recommendation to the County Council's Standards & Governance Committee held on 23 March 2017.
- 10.5 As previously mentioned, the Standards Committee also appoints three Parish Councillors as non-voting co-optees to help with its work, particularly regarding parish matters. For the same reasons, these posts were also agreed to be appointed on a two year term (i.e. until 30 April 2019), with a caveat that (in consultation with the Chairman) this be extended for a further two years.

11 OTHER OPTIONS CONSIDERED AND REJECTED

- 11.1 It is a statutory requirement for local authorities to appoint at least one Independent Person and the existing post holders terms of office will soon be ending (30 April 2017). Recruitment to the roles must therefore take place and the opportunity for these to become a shared resource had arisen and was carefully considered and supported by Members for the reasons given.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

ST114 – Appointment of Independent Persons and Parish Representatives – 30 January 2017

Other Background Documents:-

None

APPENDICES:

Appendix A – Extract of Minutes of the Standards Committee held 30 January 2017 (for information).

Exempt Appendix B - Extract of the Exempt Minutes of the Special Standards Committee held 21 March 2017 (FOR DECISION).

Appendix A

Extract of minutes of the Standards Committee held 30 January 2017

1. **INDEPENDENT PERSONS RECRUITMENT AND PARISH REPRESENTATIVES**
(Report ST114 refers)

During discussion, the Head of Legal and Democratic Services clarified that it was not intended for a deputy Independent Person to be appointed for the future. He explained that a deputy had previously been in place in case workloads and possible conflicts of interest had potentially discounted others from taking part in some specific cases. However, this had not been an issue during the previous two municipal years. He was confident that the existing workload of the Independent Person at Hampshire Fire and Rescue Authority could be easily incorporated into that of Winchester's.

The Committee referred to the processes of both authorities in dealing with potential standards matters. The Head of Legal and Democratic Services explained that each of the three Independent Persons to be appointed would be a shared resource for both the authorities. They would be called upon when required by each of the authority's respective Monitoring Officers. The Monitoring Officers would also liaise to ensure continuity of processes and that case work was allocated properly. It was also pointed out that in addition to the small financial saving to be achieved, the proposals would create efficiencies in terms of use of officer time for both authorities.

During discussion, the Committee welcomed proposals to extend the terms of office for both the Independent Persons and the Parish Representatives to potentially four years. This would help to assist developing an understanding of the role and for their continuity.

Finally, the Committee discussed the process for sifting applications received for the roles and it was agreed that this be undertaken by an informal group of three Councillors from the Standards Committee (Councillors Berry, Izard and Thacker). This group would put forward three applicants (plus one reserve) for each of the roles to a special meeting of the Standards Committee. This would recommend the appointments to be made to full Council on 5 April 2017. Hampshire Fire and Rescue Authority would be invited to send representatives to be part the informal group.

RESOLVED:

1. Independent Persons being a shared resource, acting also as an Independent Person (collectively) for Hampshire Fire and Rescue Service (HFRS), be agreed.

2. That the Head of Legal and Democratic Services, in consultation with the Chairman, be authorised to determine the detailed recruitment process selection criteria, and the members of an informal joint panel (to include Councillors Berry, Izard and Thacker) to advise on the appointments.

3. That a special meeting of the Standards Committee be held to determine its recommendations to full Council on the appointment of three Independent Persons and three Parish Representatives .

4. That appointments made to the three posts of Independent Persons and the three posts of Parish Representatives be each made on a two year term of office (i.e. until 30 April 2019), but that the Head of Legal and Democratic Services, in consultation with the Chairman, be authorised to extend the terms of office for a further two years.