

REPORT TITLE: INDEPENDENT PERSONS RECRUITMENT AND PARISH REPRESENTATIVES

STANDARDS COMMITTEE

30 JANUARY 2017

PORTFOLIO HOLDER: COUNCILLOR GUY ASHTON – PORTFOLIO HOLDER FOR PROFESSIONAL SERVICES

REPORT OF HEAD OF LEGAL AND DEMOCRATIC SERVICES

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WARD(S): ALL

PURPOSE

The Localism Act 2011 requires Councils to appoint at least one 'Independent Person' whose views must be sought and taken into account before it makes a decision on an allegation that a City or Town/Parish Councillor has breached its Code of Conduct, which it has decided to investigate. Their views may also be sought in other specified situations. To provide cover for absence etc, the City Council has previously decided to appoint three 'Independent Persons'. A small annual allowance plus travel and subsistence expenses is payable.

The existing appointments were made for two years and their term of office is due to expire on 31 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.

As well as increasing capacity and potentially providing a more varied role for the post holders, there are some small financial savings for both authorities from these proposals.

The Head of Legal and Democratic Services is also proposing that recruitment to the

role is once again made on a two year term (i.e. until 31 April 2019), but with the provision that (in consultation with the Chairman) this be extended for a further two years.

The three Parish Representatives on the Standards Committee have the same term of office but are appointed by a separate process. It is also recommended that these roles continue to be made for a two year term, with again provision being made for their term of office to be extended for a further two years.

RECOMMENDATIONS:

1. That the proposals for the three posts of the Winchester City Council 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 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.
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 31 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.

IMPLICATIONS:

1. COMMUNITY STRATEGY OUTCOME

- 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 Council's decision making structures and elected Members contribute to the Efficient and Effective Council outcome of the Community Strategy.

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 EQUALITY IMPACT ASSESSMENT

- 6.1 It is proposed that an advert for the appointments be placed in the Mid Hants Observer and on the HFRS/County Council and City Council websites. Clear selection criteria will be set out in the recruitment pack and the Council will welcome applications from all potential candidates who meet these.

7. 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>		

8. SUPPORTING INFORMATION:

- 8.1 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 31 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.
- 8.2 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.
- 8.3 The Head of Legal and Democratic Services is also proposing that recruitment to the role is once again made on a two year term (i.e. until 31 April 2019), but with provision giving delegated authority (in consultation with the Chairman) for the term of officer 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.

- 8.4 The appointments are formally made by full Council, considering a recommendation from a special meeting of the Standards Committee. A indicative timeframe for the recruitment process is set out as follows:
- Advertise early February on websites and press with a closing date of 28 February 2017.
 - Officers of both authorities, in consultation with their respective Chairs, to perform an initial sift of those applications to produce a shortlist of applicants who meet the required criteria.
 - An Informal joint panel to sift and recommend applications to a special Standards Committee to be arranged during week commencing 14 March. This will be required to make a formal recommendation to Winchester 5 April full Council. The Panel will also make its recommendation to the County Council's Standards & Governance Committee to be held on 23 March 2017.
- 8.5 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, it is also suggested that these posts are also appointed on a two year term (i.e. until 31 April 2019), with a caveat that (in consultation with the Chairman) this be extended for a further two years. The Parish positions will notified to all Parish Clerks and the Winchester District Association of Local Councils with a similar recruitment timeframe.
9. OTHER OPTIONS CONSIDERED AND REJECTED
- 9.1 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 (31 March 2017). Recruitment to the roles must therefore take place within a relatively short timeframe. The opportunity for these to become a shared resource has arisen and it is recommended that it is taken for the reasons given.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

ST108 – Appointment of Independent Persons and Parish Representatives – 18 March 2015

Other Background Documents:-

None

APPENDICES: None