
**Ethics Committee
Council**

20th February 2014
18th March 2014

Director Approving Submission of the report:
Executive Director, Resources

Ward(s) affected: N/A

Title:
Appointment of Independent Person

Is this a key decision? No

Executive Summary:

The Localism Act 2011 requires the Council to appoint at least one independent person whose views will be sought when making decisions about allegations that councillors have breached the Council's Code of Conduct.

Recommendations:

That Ethics Committee recommends Council appoints Ken Sloan as the Independent Person under section 28 of the Localism Act 2011 with immediate effect.

List of Appendices included:

None

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

Yes

Report title: Appointment of Independent Person.

1. Context

- 1.1 The Localism Act 2011 contains provisions relating to ethical standards, which replaced the previous arrangements under the Local Government Act 2000.
- 1.2 The Act requires councils to have arrangements in place to investigate and make decisions on allegations that a councillor has breached the code of conduct. The arrangements to make decisions on allegations must include provision for the appointment of one or more 'independent person' through a transparent process, by advertisement and application. A Member, Co-opted Member or Officer of the authority or a relative or close friend of such person cannot be appointed as an "independent person". In addition, a person cannot be appointed as an "independent person" if at any time during the 5 years before the appointment, the person was a Member, Co-opted Member or an Officer of the authority.
- 1.3 The Council must seek and take into account the views of the independent person's views before reaching a decision about an allegation which it has decided to investigate. The Member against whom a complaint is made may also seek the views of the independent person. Whilst the independent person must be consulted, he/she has no vote or binding authority in any determination process with regard to a complaint.
- 1.4 At the Cabinet Member Meeting (Community Safety and Equalities) on 3rd October 2013 the Assistant Director (Legal and Democratic Services) was authorised to advertise for up to three independent persons. Advertisements were placed on the Council's website in November 2013 and four applications were received. An interview panel was set up consisting of the Deputy Leader of the Council, the Chair of Ethics Committee, the Leader of the Opposition, the Executive Director Resources and the Corporate Governance & Litigation Manager. Three candidates were invited to interview on 21st January 2014 and the Panel decided to recommend the appointment of Ken Sloan through this Committee and Council on 18th March 2014.

2. Options considered and recommended proposal

- 2.1 Section 28 of the Localism Act 2011 places a duty on councils to appoint at least one independent person. This is therefore the only option available to the Council. Section 28(8)(c) of the Act requires the vacancy for an independent person to be advertised in such manner as the authority consider is likely to bring it to the attention of the public. A person cannot be appointed as an independent person unless they have submitted an application for the vacancy and their appointment has been approved by a majority of members of the authority.
- 2.2 Section 2.9.1.6 of the Council's Constitution requires any appointment of the independent person to be recommended by the Ethics Committee to Full Council. Section 28(8)(iii) of the Localism Act 2011 requires the appointment of the independent person to be approved by a majority of members of an authority.

3. Results of consultation undertaken

None

4. Timetable for implementing this decision

- 4.1 Should the recommendations be approved the appointment will take immediate effect.

5. Comments from Executive Director, Resources

5.1 Financial implications

The role of Independent Person is voluntary but reasonable expenses will be paid. These costs will be met from current budgetary provision.

5.2 Legal implications

The Council must appoint at least one independent person by section 28 of the Localism Act 2011.

6. Other implications

None

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

The appointment of an independent person will contribute to the openness and transparency of the Council's ethical standards arrangements by providing external views on complaints against councillors.

6.2 How is risk being managed?

The key risk in relation to this process was that suitable persons would not come forward to undertake this role. Once the appointment is accepted, then any risk will be limited to conflicts of interest, which should be rare, but if they arise, will need to be determined on an individual case by case basis. In the event of a conflict, the Council will need to secure an alternative view, which can be achieved through informal sharing arrangements with other councils, if required.

6.3 What is the impact on the organisation?

Arrangements for dealing with allegations of breaches of the Code of Conduct will comply with the Localism Act 2011.

6.4 Equalities/EIA

The recruitment and advertisement process complies with section 28 of the Localism Act 2011.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None

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