

2 July 2015

Name of Cabinet Member:
N/A - Ethics Committee

Director Approving Submission of the report:
Executive Director of Resources

Ward(s) affected:
All

Title: Appointment of Second Independent Person

Is this a key decision?
No

Executive Summary:

In May 2015 a new statutory instrument came into force which required changes to be made to the Council's Constitution. Those changes were approved by Cabinet Member (Policing and Equalities) on 18th June and Council on 23rd June 2015. The changes require the appointment of a second Independent Person to be part of a Panel in the event of disciplinary action being taken against the Council's statutory Officers.

Recommendation:

The Committee is recommended to:

- (1) Delegate the advertisement and recruitment of a second Independent Person to the Assistant Director and Monitoring Officer in consultation with the Chair of the Ethics Committee.

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?

No

Report title: Appointment of Second Independent Person

1. Context (or background)

- 1.1 In 2015 the Government published a statutory instrument, the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, which required the Council to make changes to its Constitution.
- 1.2 The SI amends the procedures dealing with disciplinary proceedings involving statutory officers of the Council (the Head of Paid Service, Monitoring Officer and Chief Finance Officer). They require the removal of the requirement for a Designated Independent Person to investigate allegations of misconduct by these senior officers.
- 1.3 The final decision to dismiss any statutory officer (and not just the Head of Paid Service as previously) must be taken by full Council. Before taking that decision, Council must invite at least two Independent Persons to be members of a Panel, and Council must take into account any recommendation of that Panel before taking a final decision to dismiss. The Independent Persons are those persons appointed as such under the Localism Act 2011 to act as Independent Persons in connection with Code of Conduct complaints against elected members.
- 1.4 The invitations to be members of the Panel should be sent in accordance with the following priority order:
 - an Independent Person who has been appointed by the council and who is a local government elector,
 - any other Independent Person who has been appointed by the council, and
 - an Independent Person who has been appointed by another council or councils.The Regulations provide that the Panel is to be a committee of the authority and so it is subject to all the legal requirements for committees, including the proportionality rules.
- 1.5 The Regulations also provide that the remuneration that should be paid to Independent Persons on the panel should be limited to the level of the remuneration which they would normally receive as an Independent Person in the conduct regime, i.e. a modest annual allowance or small meeting fee.
- 1.6 Local authorities must now modify their Standing Orders to give effect to the new arrangements. The 2015 Regulations require that this be done at the first ordinary Council meeting held after the 7 May 2015 elections. The Council amended its Constitution on 23rd June 2015 to facilitate compliance with the Regulations.

2. Options Considered

- 2.1 The Council currently has only one Independent Person appointed. In the event of disciplinary action being taken against any statutory officer, the Council would either need to appoint a second person or make arrangements with another local authority to use the services of one of their Independent Persons. At its meeting on 23rd June, full Council decided to recommend to this Committee that it seek applications for the position of a second Independent Person rather than seek to rely upon an Independent Person from another authority.
- 2.2 It is recommended that the Committee follows the same procedure as it did for the appointment of its first Independent Person, namely the advertising of the position followed by interview by a Panel and selection.

3. Results of consultation undertaken

- 3.1 No consultation has been undertaken because the changes are statutory.

4. Timetable for implementing this decision

- 4.1 As the Constitution has now been altered, the main provisions of the legislation have been complied with. However, in order to ensure a Panel is available if required, the Committee needs to proceed with the appointment of a second Independent Person as soon as possible.

5. Comments from the Executive Director of Resources

- 5.1 Financial implications
None.

- 5.2 Legal implications
The Council should make the selection of a second Independent Person to comply fully with the new legislation and its Constitution.

6. Other implications

- 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 Constitution sets out the governance arrangements of the Council and it is important for the good governance of the Council that these reflect changes in legislation and are fit for purpose.

- 6.2 How is risk being managed?**

Having a Constitution that reflects changes in legislation structures will ensure that the Council meets its legal obligations.

6.3 What is the impact on the organisation?

To put in place appropriate governance arrangements that reflects current statutory requirements.

6.4 Equalities / EIA

None

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None

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