

16 September 2016

**Name of Cabinet Member:**

N/A - Ethics Committee

**Director Approving Submission of the report:**

Executive Director of Resources

**Ward(s) affected:**

None

**Title:**

Recruitment of Independent Persons

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**Is this a key decision?**

No

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**Executive Summary:**

At its meeting on 15 July, the Committee was advised that the Independent Person, Ken Sloan had resigned. This report sets out what action has been taken to recruit additional Independent Persons and seeks the Committee's agreement to take further action following receipt of no applications for the positions.

**Recommendations:**

The Ethics Committee is recommended to:

1. Authorise the Acting Monitoring Officer to re-advertise the vacancies for Independent Persons; and
2. Authorise the Acting Monitoring Officer to liaise with other councils as to the possibility of establishing shared arrangements for Independent Persons and Investigating Officers.

**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: Recruitment of Independent Persons

## **1. Context (or background)**

- 1.1 The Council is required under the Localism Act 2011 to appoint at least one Independent Person to provide advice both to the Ethics Committee, and when required, to any councillor who is the subject of a complaint. It is a statutory role which is voluntary. Since the introduction of new regulations regarding the procedure for dealing with disciplinary matters relating to certain senior officers, it is helpful to have at least two Independent Persons.
- 1.2 Mr Ken Sloan has acted as the Council's Independent Person for several years. Following his resignation, it has been necessary to try to recruit between two and three new Independent Persons.

## **2. Options considered and recommended proposal**

- 2.1 The vacancies for Independent Persons have been advertised on the Council's website as well as on West Midlands Jobs. In addition an advertisement was placed on the Council's LinkedIn page, Lawyers in Local Government and both Warwick and Coventry University were approached directly to see if they had anyone who might be interested in the positions. Unfortunately no applications were received. The adverts were placed from 3 August with a closing date of 15 August.
- 2.2 The Council must by law have at least one Independent Person. It would be preferable to have a minimum of two. The Committee is asked therefore to authorise the Action Monitoring Officer to advertise the positions again.
- 2.3 In meantime, the Council needs to have access to an Independent Person in the event that he or she needs to be consulted under the Council's Complaints Protocol. Section 28 of the Localism Act 2011 requires the Council to appoint at least one Independent Person following advertisement of the vacancy and completion of an application. The appointment must be approved by a majority of members. However this does not preclude arranging with other authorities to bring the vacancy to the attention of their Independent Persons who may be interested in carrying out the role for more than one council.
- 2.4 In addition, where Independent Persons are required to be appointed to any Panel which is to advise the authority on matters relating to the dismissal of certain senior officers, the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 permits an authority to appoint an Independent Person from another council to the Panel if it does not have more than one Independent Person.
- 2.5 Where a complaint under the Code of Conduct is to be investigated, the Council needs to appoint someone suitably qualified, experienced and impartial to carry out the investigation. This will very often be someone from outside the Council. The Acting Monitoring Officer considers that it would be useful to also enter into discussions with other authorities to explore the possibility of reciprocal arrangements with regard to the appointment of independent investigators at the same time.

2.6 The Committee is therefore asked to authorise the Acting Monitoring Officer to approach other authorities in the region with a view to utilising the services of their Independent Persons until such time as it can appoint its own and encouraging any existing Independent Persons to apply. In addition the Committee is also asked to authorise the Acting Monitoring Officer at the same time to enter discussions with other authorities with a view to making reciprocal arrangements for the appointment of independent investigators.

### **3. Results of consultation undertaken**

3.1 None.

### **4. Timetable for implementing this decision**

4.1 Any recommendations of the Committee will be implemented immediately.

### **5. Comments from Executive Director, Resources**

5.1 Financial implications

There are no specific financial implications arising from the recommendations within this report.

5.2 Legal implications

The Council is required under the Localism Act 2011 to appoint at least one Independent Person.

### **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)?**

Not applicable.

#### **6.2 How is risk being managed?**

The risk to the Council is that it may need to consult with an Independent Person at some point in the future. While it continues to try to recruit its own Independent Persons, it needs to have access to an Independent Person appointed by another authority.

#### **6.3 What is the impact on the organisation?**

Failure to appoint or gain access to an Independent Person when required will make it difficult for the Council to meet its obligations to deal with ethical standards matters.

#### **6.4 Equalities / EIA**

There are no public sector equality duties which are of relevance at this stage.

#### **6.5 Implications for (or impact on) the environment**

None

## 6.6 Implications for partner organisations?

None at this stage

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Members: Councillor Walsh	Chair, Ethics Committee	Elected Member	07.09.16	8.09.16

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