
Council

18 May 2017

Deputy Chief Executive Approving Submission of the report:
Deputy Chief Executive (Place)

Ward(s) affected: N/A

Title:
Appointment of Independent Persons to the Ethics Committee

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. In addition, all councils are required to have access to at least two independent persons when considering disciplinary action against statutory officers. The position is a voluntary one.

The Council's first independent person resigned in July 2016. The Ethics Committee at its meeting on 16 September authorised officers to advertise for applications for the role of independent person. Five applications were received and four applicants interviewed by a panel of councillors on 18 April 2017. While it was originally envisaged that up to three independent persons would be appointed, the interviewing panel felt that all four applicants had different qualities and skills which would benefit the Council in meeting its legal duty to uphold and promote high standards of ethical behaviour among elected and co-opted members.

The appointment of independent persons must by law be approved by a majority of elected members.

Recommendations:

Council is recommended to appoint Steve Atkinson, Ann Barton, Ruth Wills and Peter Wiseman as Independent Persons 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 Persons to the Ethics Committee

1. Context

- 1.1** The Localism Act 2011 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.
- 1.2** The Council must seek and take into account the views of the independent person 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. In addition, councils must include at least two independent persons on any panel formed to consider disciplinary action against statutory officers.
- 1.3** The Council's independent person resigned his position in July 2016. An advertising exercise in August 2016 failed to elicit any applications.
- 1.4** At its meeting on 16 September 2106 the Ethics Committee authorised the Legal Services Manager (Place and Regulatory) to re-advertise for up to three independent persons. Advertisements were placed on the Council's website and on other websites, and brought to the attention of a number of organisations within the city. Five applications were received. An interview panel was set up consisting of the Chair of Ethics Committee Cllr Seamus Walsh, Cllr Abdul Khan and Councillor John Blundell.
- 1.5** Four candidates were invited to interview on 18 April 2017 and the Panel decided to recommend the appointment of all four candidates: Steve Atkinson, Ann Barton, Ruth Wills and Peter Wiseman. While it had originally been intended to appoint up to three independent persons, the panel felt that each candidate had different qualities and skills which would benefit the Council in meeting its legal duty to uphold and promote high standards of ethical behaviour among elected and co-opted members. In addition, having a pool of independent persons will assist where an independent person has a conflict of interest in a particular matter and will make it easier for members to consult an independent person on aspects of ethical conduct.

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. The Act also 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. The options available to the Council therefore are to appoint between one and four of the candidates as it thinks appropriate. The Panel which interviewed the candidates recommends that all four should be appointed.

3. Results of consultation undertaken

None

4. Timetable for implementing this decision

4.1 Should the recommendations be approved the appointments will take immediate effect.

5. Comments from the Deputy Chief Executive (Place)

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. It is preferable to have a minimum of two independent persons to enable the Council to meet its obligations to have at least two independent persons appointed to any panel formed to consider disciplinary matters in connection with statutory officers.

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 appointment of independent persons 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 will be easier to achieve if the Council appoints four persons as independent persons.

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

Report author:

Name and job title: Carol Bradford, Corporate Governance Lawyer, Regulatory Team, Legal Services

Directorate: Place

Tel and email contact: ext 3976 carol.bradford@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Suzanne Bennett	Governance Services Officer	Place	09.05.17	09.05.17
Kathryn Sutherland	Finance	Place	25.04.17	25.04.17
Names of approvers for submission: (officers and members)				
Helen Lynch	Legal Services Manager (Place and Regulatory)	Place	21.04.17	25.04.17
Barry Hastie	Director of Finance and Corporate Resources	Place	25.04.17	25.04.17
Barry Hastie on behalf of Martin Yardley	Deputy Chief Executive (Place)	Place	08.05.17	08.05.17
Cllr Seamus Walsh	Chair, Ethics Committee			

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