



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Council 18 May 2021

Wards affected: All wards

Appointment of Independent Persons

Report of the Monitoring Officer

1. Purpose of report

- 1.1 To seek agreement for the appointment of a pool of Independent Persons to support the code of conduct complaints process and statutory officer employment processes.

2. Recommendation

- 2.1 Appointment of the candidates listed in appendix 1 be approved for a four year term.

3. Background to the report

- 3.1 The role of Independent Person was introduced under the Localism Act 2011. In June 2012 and again May 2016, Hinckley & Bosworth Borough Council appointed a pool of Independent Persons following a joint recruitment exercise with the other district councils in Leicestershire. The term of office of those appointed in 2016 was extended in 2020 due to Covid 19 and expires in May 2021.
- 3.2 In addition to the role of Independent Persons in relation to code of conduct complaints, as a result of changes introduced by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, at least 2 Independent Persons must be appointed to a panel where an authority is considering the dismissal of a statutory officer. For this purpose, the pool of Independent Persons is the same as that appointed under the Localism Act 2011.

- 3.3 In early 2021, Monitoring Officers from district councils in Leicestershire again agreed to a joint recruitment exercise to select a pool of Independent Persons. Following interview, the following six candidates are recommended for appointment:

Michael Gibson
Gordon Grimes
Richard Gough
Michael Pearson
Laurence Faulkner
Mark Shaw.

A brief background to each candidate is included at appendix 1 but this is exempt due to containing personal information so cannot be discussed in the open part of the meeting.

4. Exemptions in accordance with the Access to Information procedure rules

- 4.1 To be taken in open session.

5. Financial implications (FMc)

- 5.1 The Independent Persons will be able to claim expenses for things such as mileage and parking but these costs will be minimal.

6. Legal implications (MR)

- 6.1 For the purposes of section 28 Localism Act 2011, (dealing with Codes of Conduct and their enforcement) HBBC must include in its arrangements provision for the appointment of one at least one independent person.
- 6.2 A person is not an Independent Person if
- a) A member, co-opted member or officer of the Council,
 - b) A member, co-opted member or officer of a parish council within HBBC's area, or
 - c) A relative or close friend of anyone in a or b above.
- 6.3 A person may not be appointed as an Independent Person if at any time during the 5 years ending with the appointment, the person was
- a) A member, co-opted member or officer of the Council,
 - b) A member, co-opted member or officer of a parish council within HBBC's area.
- 6.4 A person may not be appointed as an Independent Person unless
- a) The vacancy has been advertised
 - b) The person has submitted an application to fill the vacancy, and
 - c) The person appointed has been approved by a majority of the members of the Council.

7. Corporate Plan implications

7.1 This report supports all corporate aims in ensuring support for the code of conducts complaints process, thereby ensuring good governance.

8. Consultation

8.1 Members of the Ethical Governance & Personnel Committee have been consulted in preparation of this report.

9. Risk implications

9.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) risks		
Risk description	Mitigating actions	Owner
Failure to appoint Independent Persons would be in breach of the Localism Act 2011 and would have a detrimental impact on the code of conduct complaints process.	Ensure Independent Persons are appointed in a timely manner and the relevant training and support is provided.	Julie Kenny

10. Knowing your community – equality and rural implications

10.1 The actions recommended in this report will have no direct impact on any community group or any particular parishes within the borough.

11. Climate implications

11.1 This report has no direct implications on climate change.

12. Corporate implications

12.1 By submitting this report, the report author has taken the following into account:

- Community safety implications
- Environmental implications
- ICT implications
- Asset management implications

- Procurement implications
 - Human resources implications
 - Planning implications
 - Data protection implications
 - Voluntary sector
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Background papers:

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