

COUNCIL – 17 MAY 2016

APPOINTMENT OF INDEPENDENT PERSONS REPORT OF THE MONITORING OFFICER

WARDS AFFECTED: ALL WARDS



Hinckley & Bosworth
Borough Council

A Borough to be proud of

1. PURPOSE OF REPORT

- 1.1 To seek approval for the appointment of Independent Persons as required under Section 7 of the Localism Act 2011.

2. RECOMMENDATION

- 2.1 At least one Independent Person be appointed for a term of four years commencing on the date of this decision.

3. BACKGROUND TO THE REPORT

- 3.1 Chapter 7 of the Localism Act 2011 sets out the provisions in respect of the conduct of members, which came into force on 1 July 2012.
- 3.2 At its meeting on 19 June 2012, the Council appointed nine Independent Persons following a joint recruitment exercise across several district councils in Leicestershire, as well as the Fire & Rescue Authority. The Independent Persons were appointed for a period of four years.
- 3.3 With the terms of the current Independent Persons due to expire, it was agreed that the council should again be part of a joint recruitment process to re-appoint. The positions were advertised and eight applications were received. All applicants were invited for interview and the interviews were carried out by the Monitoring Officers from Charnwood Borough and Harborough District Councils and the Deputy Monitoring Officer for Blaby District Council.
- 3.4 Whilst the Council is only required to appoint one Independent Person, six applicants are recommended for appointment to allow greater flexibility and to avoid the possibility of a conflict of interest in the event of this being a risk. All of those recommended are eligible, live in Leicestershire and are considered to be suitable candidates.

4. FINANCIAL IMPLICATIONS [IB]

- 4.1 Costs will be met from existing budgets.

5. LEGAL IMPLICATIONS [AR]

- 5.1 As set out above the appointment of Independent Persons is a statutory requirement in accordance with the Localism Act 2011. The Act sets out the criteria and the process to be undertaken in the appointment of the Independent Persons, which includes public advertisement and the approval by the Council.

6. CORPORATE PLAN IMPLICATIONS

- 6.1 This report supports all corporate aims in ensuring compliance with legislation.

7. CONSULTATION

7.1 None.

8. RISK IMPLICATIONS

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

8.2 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.

8.3 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 comply with legislation	Ensure appointments made in accordance with the Localism Act	Monitoring Officer

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

9.1 The recommendations contained within this report do not impact on any particular group or community and relate to a corporate issue.

10. CORPORATE IMPLICATIONS

10.1 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

Background papers: Localism Act 2011

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