



London Borough of Enfield

Report Title	Independent Persons appointment for the Councillor Conduct Committee
Report to	Council
Date of Meeting	January 2024
Executive Director / Director	Director of Law & Governance
Report Author	Claire Johnson
Ward(s) affected	N/A
Key Decision Number	'Non Key'
Classification	Part 1 Public

Purpose of Report

1. The Localism Act 2011 requires all local authorities to appoint at least one independent person whose views are sought and taken into account by the local authority before it makes a decision on an allegation that has been investigated.
2. The independent view and expertise they bring on conduct issues is vital to the proceedings. The Monitoring Officer consults one Independent person on all complaints received and they provide considered advice and guidance on complaints and other issues that arise.

Recommendations

- i. Council to agree to appoint Gary Rogers to the role of Independent Person for a period of 2 years, and to extend the appointment of the current Independent Person Joan Mansfield until May 2026 so that the committee retains 2 Independent person posts.

Background and Options

3. The role of an independent person was created as one of the measures of the Localism Act which received Royal Assent in November 2011 and came into effect on 1 July 2012. The Act made fundamental changes to the system of regulation of standards of conduct for elected and co-opted members of local authorities placing a duty on local authorities to promote and maintain high standards of conduct for its elected and co-opted members.
4. The Localism Act 2011 provided that all local authorities had to appoint an Independent Person(s) to assist the Council in promoting and maintaining high standards of conduct amongst its members. Enfield appoints two Independent Persons.
5. The main role of an Independent Person is to be available to be consulted on complaints against councillors and ethical governance issues. They provide an independent viewpoint, looking at issues from the point of view of an ordinary member of the public.
6. Enfield independent persons work closely with the Monitoring Officer, considering whether complaints against councillors meet the criteria for investigation. They are consulted before a decision is made and on the outcomes of any investigated complaint. On top of this they can offer advice on other standards' matters, including to the member who is subject to an allegation.
7. In order to ensure there is capacity to investigate complaints in a timely manner, its proposed that the committee retains 2 Independent person posts to manage complaints effectively.

Preferred Option and Reasons For Preferred Option

8. The Localism Act 2011 states that Independent Persons must be appointed through a process of public advertisement, application and competitive appointment by a positive vote of the majority of all members of the Authority.

9. These requirements were followed and Council is now asked to formally approve the appointment.

Relevance to Council Plans and Strategies

10. Enfield Council believes that promoting high ethical standards is the key to good governance and to maintaining public confidence in local democracy.
11. All Councillors are bound by a code of conduct, which they sign up to when they take office. This is to ensure that they adhere to high ethical standards of behaviour. The Code of Conduct is based on the following principles.

Financial Implications

12. The proposals set out in this report will be contained within existing budgets. Independent persons are paid an annual allowance of £500, plus travel expenses.

Legal Implications

13. All legal implications are contained within the report.

Equalities Implications

14. Independent advisors ensure fair, equitable and consistent treatment in the consideration of complaints against councillors for all parties concerned.

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