

## MUNICIPAL YEAR 2017/2018 - REPORT NO. 7

**Council –14 June 2017**

**REPORT OF:**

Executive Director of Finance,  
Resources & Customer Services

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<b>Agenda - Part: 1</b>	<b>Item: 12</b>
<b>Subject:</b> Independent Person – Extension of Term of Appointment	
<b>Wards:</b> All	

### 1. EXECUTIVE SUMMARY

- 1.1 The Localism Act 2011 (the Act) requires a relevant authority to appoint at least one Independent Person(s) (IP). At Enfield it was agreed that two IP should be appointed.
- 1.2 The role of the independent person is set out in Section 28 of the Act and their views must be sought, and taken into account, by the Monitoring Officer when considering an allegation in respect of a breach of the Code of Conduct.
- 1.3 Christine Chamberlain was first appointed to the position of Independent Person on 30 January 2013. This appointment was until 30 June 2015. She was re-appointed for a further two years in 2015 to 30 June 2017.
- 1.4 This report outlines a proposal to extend the Christine Chamberlain's term of appointment, as Independent Person, for a further two years to 30 June 2019.
- 1.5 The members of the Councillor Conduct Committee have expressed their support for extending Christine Chamberlain's term.

### 2. RECOMMENDATIONS

Council is asked to agree:

- 2.1 To extend the term of appointment of Christine Chamberlain as Independent Person by 2 years to 30 June 2019.

### 3. BACKGROUND

- 3.1 The Act changed the way in which local authorities promote and maintain high standards of conduct among its councillors and co-opted members. These changes included the introduction of IP(s) to

advise and support the Council in relation to the conduct of its members.

- 3.2 Section 28(7) & (8) (c) of the Act provides that a relevant authority must appoint at least one IP. The recruitment of Christine Chamberlain as Independent Person complies with the legislation and was originally approved by Full Council in January 2013. This was later extended for a further two years to 30 June 2015.
- 3.3 On 8 August 2012 the CCC agreed that IP(s) should be recruited for a two year appointment. It is noted at the time Members felt it would be helpful for the term of office to overlap the term of the Council's administration.
- 3.4 There is no statutory limit on the length of appointment, this time period can be extended by a majority agreement of members.
- 3.5 The role of the Independent Person includes:
- Assisting in the promoting of high standards of conduct by elected and co-opted members of the Council.
  - Being consulted before decisions are taken on councillor complaints and investigations.
  - Being involved in the resolutions of disputes where appropriate.
  - Attending meetings of the CCC to provide an independent view.
  - Being available for consultation by any member who is subject to a complaint.
  - Participation in training events.
  - Acting as an advocate and ambassador in promoting ethical behaviour.
- 3.6 The Independent Person is an essential post and it is important that the Council are able to retain the experience and expertise which Christine Chamberlain's has developed in the role.
- 3.7 The members of the Councillor Conduct Committee have expressed their support for continuing the appointment for a further two years.
- 3.8 Christine Chamberlain has confirmed that she would be happy to continue and would welcome the extension of the post.

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 Undertake a recruitment exercise to find someone else to take on the role, but this would result in additional expenditure and use of officer time.

#### **5. REASONS FOR RECOMMENDATIONS**

- 5.1 It is recommended that Christine Chamberlain's appointment be extended to ensure continuity, and so that her considerable expertise and experience can be retained by the Council.

## **6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS**

### **6.1 Financial Implications**

The annual cost of post is £500. This will be found from existing departmental budgets.

### **6.2 Legal Implications**

Section 28(7) of the Act requires a relevant authority to appoint at least one IP whose views must be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate.

### **6.3 Property Implications**

None.

## **7. KEY RISKS**

- 7.1 Our Code goes beyond the requirement of the Act to appoint a minimum of one independent person. Appendix A, Procedure for Handling Complaints against Councillors and Co-opted Members, paragraph 1.2 states that:

*“The Council has agreed to appoint two Independent Persons who will be recruited through public advertisement and a competitive interview process.”*

- 7.2 If the recommended extension of post, or the alternative recruitment exercise does not take place this will result in a breach of the Code. The requirements of the Code, being that 2 IPs should be recruited goes beyond that of the Act.

- 7.3 The Act does not limit what may be included in the Code, but nothing in the Code prejudices the operation of the Act. The Code must at a minimum reflect the requirements of the Act.

- 7.4 The recruitment exercise may not provide a successful candidate with the level of experience and expertise as Christine Chamberlain.

## **8. IMPACT ON COUNCIL PRIORITIES**

### **8.1 Fairness for All/Growth and Sustainability/Strong Communities**

A strong ethical approach by the Council and the promotion of good conduct on the part of members will have a positive effect on their representational role and a consequential impact on communities.

The arrangements, which require a local authority to seek the views of an IP before taking a decision on, assists in providing reassurance that complaints are being properly processed and dealt with.

**9. EQUALITIES IMPACT IMPLICATIONS**

The proposals within this report will help to ensure fair, equal and consistent treatment of complaints against councillors for all parties concerned.

An equality impact assessment is not required for this report.

**10. PERFORMANCE MANAGEMENT IMPLICATIONS**

Not applicable.

**11. HEALTH AND SAFETY IMPLICATIONS**

Not applicable.

**12. HUMAN RESOURCES IMPLICATIONS**

Not applicable.

**13. PUBLIC HEALTH IMPLICATIONS**

Not applicable.

**Background Papers**

None.