

MUNICIPAL YEAR 2018/2019 - REPORT NO. 85A

MEETING

Council (21 November 2018)

REPORT OF:

Director of Law and Governance

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Agenda - Part: 1	Item:
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	Subject: Extension of appointment of an Independent Person
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	Wards: All
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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 On 8 August 2012 the Councillor Conduct Committee (CCC) agreed the term of office for the IP(s) being 2 years.
- 1.4 This report outlines a proposal to extend the term of office for Sarah Jewell; IP, for a further two years until 8 October 2020.
- 1.5 Councillor Conduct Committee considered this report at a meeting on 4 October and agreed to recommend that Council extends Sarah Jewell's term for a further 2 years to 8 October 2020.

2. RECOMMENDATIONS

Council to agree, as recommended by the Councillor Conduct Committee:

- 2.1 To extend the term of appointment of Sarah Jewell (IP), by 2 years to 8 October 2020.

3. BACKGROUND

- 3.1 The Localism 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 Sarah Jewell as IP complies with the legislation and was originally approved by Full Council on 8 October 2014 for a period of 2 years. It was further extended for another two years to 8 October 2018.
- 3.3 There is no statutory limit on the length of appointment, this time period can be extended by a majority agreement of members.
- 3.4 The role of the IP 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.
- 3.5 The IP role is important to the Council and it is helpful to maintain stability where expertise has been built up. Sarah Jewell and Christine Chamberlain, the Council's other Independent Person, have provided invaluable support to the Monitoring Officers over the past years. Christine Chamberlain's, term of office has also been extended and will come to an end in June 2019. The retention of Sarah Jewell will maintain her expertise and provide continuity and support to the Monitoring Officer.
- 3.6 Sarah Jewell 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 Sarah Jewell's appointment be extended to ensure continuity, expertise and the experience is retained by the Council.

6. COMMENTS OF 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 Sarah Jewell.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Sustain Strong and Healthy 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.