

London Borough of Enfield

Council

Meeting Date: 19th May 2021

Subject: Independent Persons appointment

Cabinet Member: Not applicable

Director: Director of Law & Governance

Key Decision: Non-Key

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.

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.

Proposal(s)

2. Council to agree, as recommended by the Councillor Conduct Committee, to appoint Joan Mansfield to the role of Independent person for a period of 2 years, and to extend the appointment of Christine Chamberlain until May 2022 so that the committee retains 2 Independent person posts.

Reason for Proposal(s)

3. To implement the requirement of the Localism Act in relation to local authorities to appoint Independent Persons to advise on ethical matters of councillor conduct.

Relevance to the Council Plan

4. Promoting good conduct on the part of members will have a positive effect on their representational role and a consequential impact on communities.

Background

5. 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.

6. 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.
7. The Councillor Conduct Committee agreed on the 2nd December 2020 to recruit to the posts. The term of office for one of the posts expires at the AGM in 2021. The other post was due to expire in June 2021, however the committee agreed to recommend to Council, a further extension of a year for this appointment to ensure continuity, expertise and experience is retained by the Council.
8. Interviews took place by the Councillor Conduct Committee on the 10th March, and an offer of appointment was made subject to approval by Council.
9. 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.
10. Enfield independent persons work closely with the Monitoring and Deputy Monitoring Officers, 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.

Main Considerations for the Council

11. 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.

Safeguarding Implications

12. The new Independent Person will receive the same training as councillors to ensure that they are aware of any safeguarding implications that may arise in the course of their duties.

Public Health Implications

13. Not applicable

Equalities Impact of the Proposal

14. The proposals within this report by providing an Independent advisor will help to ensure fair, equal and consistent treatment in the consideration of complaints against councillors for all parties concerned.

Environmental and Climate Change Considerations

15. Not applicable

Risks that may arise if the proposed decision and related work is not taken

16. That the Councillor Conduct Committee and the Monitoring Officer would be unable to rely on the impartial advice and guidance that an Independent Person can provide.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

17. There are no risks associated with taking the action.

Financial Implications

18. 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

19. All legal implications are contained within the report.

Workforce Implications

20. None.

Property Implications

21. None.

Other Implications

22. None.

Options Considered

23. To extend the term of appointment of both post holders for a further 2 years, however, it was felt this would compromise the independent nature of the role.

Conclusions

24. Council is asked to approve the appointment and appointment extension to the Independent Persons posts.

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Background Papers
None