

Meeting: Standards Committee
Date: 18 November 2024
Classification: Part 1
Key Decision: No
Title of Report: Recruitment of Independent Persons for appointment on the Standards Committee

Executive Director: Claire Shuter
Report Author: The Monitoring Officer, Susan Zeiss
Executive Councillor: Leader and Cabinet Member for Constitutional matters

1. Executive Summary

- 1.1. The Independent Person is a statutory role with the purpose of assisting the Council in promoting high standards of conduct by elected, appointed and co-opted Members of Southend-on-Sea City Council and of Leigh-on-Sea Town Council. 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 Council before it makes a decision on an allegation of misconduct, against a councillor.
- 1.2. In addition to being a statutory requirement, the Independent Person provides a vital, external, independent view.
- 1.3. Best practice is for Independent Persons to be appointed for a fixed term of four years. In line with best practice, this report recommends that the Council advertises for three Independent Persons. The current two Independent Persons will be invited to apply.

2. Recommendations

It is recommended that Standards Committee:

- 2.1. **Agrees the commencement of the recruitment, via advertisement, selection, and interview, of three Independent Persons in accordance with the process set out at 3.4 to 3.7 of this report.**
- 2.2. **Notes an updated role profile is attached as Appendix 1. This has been benchmarked against the role profile of other local authorities to ensure that it is robust and fit for purpose.**
- 2.3. **Notes that, following interviews, the panel would propose to Council the appointment of the recommended Independent Persons.**

2.4. Notes that the Council may not appoint anyone who is a member or co-opted member, or officer of the Council, or of Leigh-on-Sea Town Council nor a relative or close friend of any such member or officer, nor anyone who has within the last five years, been a member or co-opted member or officer.

3. Background

3.1 The Localism Act 2011 requires councils to appoint at least one Independent Person to advise on the determination of allegations that a member has failed to comply with their code of conduct.

3.2 Independent Persons play an important role in promoting and maintaining high standards of conduct by elected members.

3.3. Southend-on-Sea City Council has benefitted from the counsel of our current Independent Persons for a number of years which has provided the Monitoring Officer with resilience when considering code of conduct matters. In order to enhance this resilience and to comply with best practice, it is timely for the Council to advertise for three Independent Persons.

Recruitment Process for Independent Person

3.4 The proposal is for the role to be advertised in such a way as to meet statutory requirements. The advertisement will be placed on Southend-on-Sea City Council's website in addition to an advert in the Southend Echo, or similar publication. The opportunity will also be advertised widely to reach as many different community groups as possible.

3.5 Applicants will be asked to send a covering statement to express their interest and explain how they meet the desired requirements set out in the role profile, together with a CV, before the closing date.

3.6 A recruitment panel will be convened to interview suitable candidates, consisting of three members drawn from the Standards Committee. The Monitoring Officer and/or Deputy Monitoring Officer would be present as adviser to the panel.

3.7 Following the interview process, members of the Standards Committee will be updated, and a proposal to appoint the recommended candidates will be submitted to the next available Council meeting.

4. Reasons for Decisions

4.1. To meet statutory duty, comply with best practice, and to provide resilience. Appointing three Independent Persons to assist the Monitoring Officer when considering whether alleged breaches of the Member Code of Conduct have taken place has the advantage of widening the scope of expertise and

experience available. It is in line with the best practice recommendations of the Committee for Standards in Public Life and provides an opportunity for the community to play an enhanced role in the governance of the Council.

5. Other Options

- 5.1. There are no other options, it is best practice is to readvertise the posts and for the posts to be fixed term.

6. Financial Implications

- 6.1 The agreed amount of allowance for Independent Members is £1,300 per annum together with reasonable expenses for attendance at committees, panels, and meetings. This report proposes an additional Independent Member which amounts to an additional £1,300 per annum plus reasonable expenses and will be funded from the existing members allowance budget. The cost of advertising the roles will be kept to a minimum and will be contained within the existing service budget.

7. Legal Implications

- 7.1. The Localism Act 2011, s28, sets out the law in relation to arrangements for investigating Members' Code of Conduct complaints. S.28 (7) provides that every local authority must, in relation to their arrangements for investigating councillor conduct matters, appoint at least one Independent Person. The Independent Person's "views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate," and in other circumstances, and can be sought by the member against whom the allegations are made.
- 7.2. The Localism Act further stipulates that a person cannot be appointed as an Independent Person, who is a member, co-opted member, or officer of the authority, or a relative, or close friend, of such member, co-opted member or officer of the authority. Further a person cannot be appointed if within the past five years, they have been a member, co-opted member or officer of the authority.
- 7.3. In order to comply with S28 (8 (c)) of the Localism Act, the vacancy must be advertised in a manner which the Council considers is likely to bring it to the attention of the public, an application must be submitted to the Council, and following selection, the person's appointment must be approved by a majority of the Council's Members.

8. Policy Context

- 8.1 None

9. Carbon Impact

- 9.1. None

10. Equalities

- 10.1. Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) when making decisions and setting policies.
- 10.2 Southend-on-Sea City Council is committed to equality, diversity and inclusion in employment and welcomes applications from all members of the community. In advertising the roles, the Council will try to reach as wide an audience as possible in order to ensure the advertisement attracts a diverse range of applicants.

11. Consultation

- 11.1. None

12. Appendices

- 12.1. **Appendix 1**: Role Profile

13. Report Authorisation

This report has been approved for publication by:		
	Name:	Date:
Executive Director(s)		
S151 Officer		
Monitoring Officer		
Relevant Cabinet Member(s)		