

Report of Patrick Arran, Head of Legal & Democratic and Monitoring Officer

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To: Vale of White Horse District Council 18 May 2022

South Oxfordshire District Council 19 May 2022

Appointment of Independent Persons

Recommendation(s)

To appoint Mike Boon, Julie Byron, George Green, Andrew Mills-Hick, Chris Smith and Martin Wright as Independent Persons for a period of four years until the annual meeting in May 2026.

Purpose of Report

1. This report invites Council to make appointments to the roles of Independent Persons.

Corporate Objectives

2. High standards of conduct underpin all the council's work and the achievement of all its corporate objectives. The proposal ensures a continued independent person advisory service to the council on code of conduct cases.

Background

3. The Localism Act 2011 (Section 28) requires a relevant authority to have in place arrangements under which allegations made under the Code of Conduct can be investigated, and under which decisions on allegations can be made. Council is being recommended to adopt a revised Code at this meeting. Legislation provides that an authority must appoint at least one Independent Person to advise the Council when a decision has been made to investigate an alleged breach of the Code, whilst the Best Practice recommendations of the Committee on Standards in Public Life state that authorities should have access to at least two Independent Persons.

4. The arrangements referred to above require the appointment of Independent Persons who the Monitoring Officer may consult at various stages of the process when dealing with allegations of misconduct by district or parish councillors.
5. At its meeting on 24 March 2021 Vale of White Horse District Council resolved to authorise the Monitoring Officer to extend the terms of office of Chris Smith and Martin Wright, the council's independent persons for code of conduct matters until 31 May 2022.
6. At its meeting on 31 March 2021 South Oxfordshire District Council resolved to authorise the Monitoring Officer to extend the terms of office of George Green and Chris Smith as the council's independent persons for code of conduct matters until 31 May 2022.
7. Both Councils authorised the Monitoring Officer to carry out a recruitment exercise for new independent persons and bring recommendations on appointments to Council prior to the expiry of the term of office.
8. In order to provide greater resilience, the Monitoring Officer wishes to establish a pool of independent persons to assist him with the administration of code of conduct complaints at both South Oxfordshire and Vale of White Horse District Councils.
9. In accordance with the requirements of the Act, an advert (attached as an appendix) was placed in a local newspaper, the Oxfordshire Times, in March and via each council's website. The existing independent persons were invited submit expressions of interest in the roles. New applicants were required to complete an application form. Six further requests were received for further information with four applications submitted. Three candidates were invited to interview.
10. Interviews were held in the week commencing 2 May 2022 by Patrick Arran, Head of Legal and Democratic and Monitoring Officer and Steven Corrigan, Democratic Services Manager and Deputy Monitoring Officer.
11. It was agreed that Mike Boon, Julie Byron, George Green, Andrew Mills-Hick, Chris Smith and Martin Wright were suitable for the role and now recommend that each council appoint them as their Independent Persons. A brief summary of their experience is set out below:
 - George Green – has been an Independent Person with South Oxfordshire District Council since July 2012
 - Chris Smith – has been an Independent Person with Vale of White Horse District Council since July 2012 and with South Oxfordshire since June 2017
 - Martin Wright – has been an Independent Person with Vale of White Horse since July 2012
 - Julie Byron – currently an independent person at Hampshire County Council and Warrington Council
 - Andrew Mills-Hick – an independent person with Oxford City Council since September 2019
 - Mike Boon – relevant experience gained in paid and voluntary roles

12. A four-year term of office is recommended to provide stability of tenure and resilience.

Climate and ecological impact implications

13. There are no climate and ecological implications arising from the recommendations made in this report.

Financial Implications

14. The cost of implementing the code of conduct arrangements, training independent persons and meeting their expenses is met from existing budgets. The role of Independent Person is a voluntary role and attracts no remuneration other than expenses.

Legal Implications

15. Any legal implications are set out in the body of the report.

Risks

16. Failing to appoint an Independent Person would place the Council in breach of its statutory duty under the Act and prevent the Monitoring Officer from dealing with complaints in accordance with the Council's code of conduct complaints procedure.

Other Implications

17. The appointment of an Independent Person must be approved by a majority of the members of the authority, not merely a simple majority of councillors present and voting.

Conclusion

9. Council is invited to appoint Independent Persons to ensure it can operate in accordance with legislative requirements.

Background Papers

None.

Are you fair-minded, impartial and a good communicator?

Can you reach independent conclusions based on the facts? Can you bring a measure of experience and common sense to handling complex and sometimes contentious issues? If the answer to these questions is “yes” then you may be able to help South Oxfordshire and Vale of White Horse District Councils by acting as one of its ‘Independent Persons’.

The councils are seeking to recruit Independent Persons to assist the Monitoring Officer with councillor standards work. We are looking for people with an interest in maintaining high standards in public life and an interest in local governance.

Each council has a duty to promote and maintain high standards of conduct of councillors and deal with complaints against councillors. The role of Independent Person involves being called on to assist with complaints and may amount to a few hours a month. You would be working closely with the councils’ Monitoring Officer who will formally consult you with regards to how matters should be handled.

The Independent Person must be independent of the councils. Someone cannot be appointed to this role if they are a councillor, co-opted councillor or officer or a parish councillor within the council areas or been so within the last five years.

The successful applicant should be inquiring and independent-minded. Some experience of maintaining standards and ethics in the public or private sectors would be useful. However, it will be more important to be able to provide clear thinking, make objective judgements and be impartial.

Travel and subsistence expenses will be payable as will role related training costs. The appointment will be for four years.

If you are interested then please contact Steven Corrigan, Democratic Services Manager at steven.corrigan@southandvale.gov.uk , or on 07717 274704 for an application form

Closing date: 22 April 2022

Interview date: Week commencing 2 May 2022