

25 May 2022		ITEM: 8
Annual Council		
The Localism Act 2011 – Appointment of Independent Persons		
Wards and communities affected: All	Key Decision: Non-Key	
Report of: Councillor R Gledhill, Leader of the Council		
Accountable Assistant Director: Matthew Boulter, Interim Monitoring Officer		
Accountable Director: Lyn Carpenter, Chief Executive		
This report is Public		

Executive Summary

This report follows the decision of the Council on 22 May 2019, which agreed pursuant to section 28 of the Localism Act 2011 to continue the appointment of Sarah Cooper-James as its Independent Persons until the Annual Meeting of Council in 2022.

The Independent Person, as required by the new governance regime under the Localism Act 2011, has now held the role for just under seven years.

Having reviewed the situation, the Monitoring Officer is of the opinion to recommend that the engagement of the Independent Person should be set to continue until the Annual Meeting of the Council in 2024.

1. Recommendation(s)

1.1 That, for the purposes of section 28 of the Localism Act 2011, the Council agree to continue the appointment of Sarah Cooper-James as its Independent Persons until the Annual Meeting of the Council in 2024.

1.2 That the Council agree for the Monitoring Officer to undertake further recruitment of Independent Persons to increase resilience in the standards arrangements of the Council. Any successful candidate will be recommended to Full Council to approve the appointment.

2. Introduction and Background

2.1 The Localism Act 2011 (the “Act”) changed the arrangements for dealing with governance issues regarding the conduct of Members. It abolished the national Standards Board and required that local authorities establish their

own Code of Conduct and establish a process for dealing with allegations that members of the authority may have breached the Code of Conduct.

- 2.2 To add external input, section 28(7) of the Act required the Council to appoint at least one “independent person”, who must be consulted and their views taken into account on all complaints investigated and before a decision on any such complaint is made. The Council may consult with the independent person on other matters relating to an allegation and the Member complained about can also seek the independent person’s views.
- 2.3 The provisions of the Localism Act took effect from 1 July 2012 and at its meeting on 25 July 2012, the Council agreed a new Code of Conduct and Complaints Procedure to replace transitional arrangements. To ensure “independence”, the Independent Person is not to have links to the Council, councillors or officers.
- 2.4 The role of the independent person has since been widened under the Local Authority’s (Standing Orders) England (Amendment) Regulations 2015, which came into force on 11 May 2015. These new regulations change the localised disciplinary process in relation to the Council’s Head of Paid Service, the Chief Finance Officer and the Monitoring Officer statutory positions. In the case of any proposed disciplinary action against such a statutory officer, the Council is required to appoint the independent persons who have been appointed for the purposes of the Members Code of Conduct regime to a panel convened to consider a proposal to dismiss a statutory officer, and which makes recommendations to Full Council regarding any decision to dismiss a statutory officer.

3. Issues, Options and Analysis of Options

- 3.1 Due to the current interim arrangements within the legal department it has been agreed as useful and proper to keep the current experienced Independent Person engaged. This will allow the Monitoring Officer an opportunity to undertake a considered recruitment of further Independent Persons to build resilience.

Proposed Extended Engagement of Independent Persons

- 3.2 For the reasons outlined above it is proposed that the Council agrees the engagement of the Independent persons be set to continue to after the Annual General Council meeting in 2024.

4. Reasons for Recommendation

- 4.1 To ensure statutory compliance and effective administration of any business that may engage the Members Code of Conduct.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 It is a statutory requirement that Council is consulted and approves the appointments.

6. Impact on corporate policies, priorities, performance and community impact

6.1 The appointment is a statutory requirement.

7. Implications

7.1 Financial

Implications verified by: **Dammy Adewole**
Senior Management Accountant
Resources and Place Delivery

The allowance paid to each of the Independent Persons is met from the Members Allowance Budget.

7.2 Legal

Implications verified by: **Gina Clarke**
Corporate Governance Lawyer and Deputy
Monitoring Officer

The statutory requirements are set out in the report and have been met. Under Section 28(8)(c)(iii) of the Localism Act 2011, this decision must be agreed by a majority of the whole number of councillors.

7.3 Diversity and Equality

Implications verified by: **Becky Lee**
Team Manager - Community Development and
Equalities, Adults, Housing and Health
Directorate

The previous appointments followed an open recruitment process ensuring that the recommended candidates were selected on merit.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Report to the Council to seek agreement to the appointment of Independent Persons on 22 May 2019. This report is available online at [Public Pack\)Agenda Document for Council, 22/05/2019 19:00 \(thurrock.gov.uk\)](https://www.thurrock.gov.uk/agenda/AgendaDocumentforCouncil,22/05/201919:00)
- The original recruitment documents relating to each of the Independent Persons contain personal information and as such are exempt under paragraph 1 of Schedule 12 A of the Local Government Act 1972 as amended and it is not in the public interest to disclose those documents.

9. Appendices to the report

- None

Report Author:

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Interim Monitoring Officer

Legal and Democratic Services