

Council report



16 September 2020

Appointment of Independent Persons

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Exempt / confidential / not for publication	No
Council Plan reference	Not in Council Plan
Wards affected	All wards

Executive summary

This report seeks Full Council approval to appoint a panel of Independent Persons to Milton Keynes Council for a period of four years, in order to support the Council to effectively discharge its arrangements for dealing with allegations of misconduct against Councillors.

The Council must appoint at least one Independent Person to assist with the following duties:

- To be available to Councillors, or Co-opted Councillors of Milton Keynes Council or of any parishes within the Borough, for consultation, should their behaviour be subject to an allegation of misconduct.
- To be available for the Council to seek advice from and to take into account their views, before making a decision on an allegation it has decided to investigate.

Additionally, the Council is required to invite two Independent Persons onto a panel convened for the purposes of dismissing a statutory officer (Chief Executive, Chief Finance Officer, or Monitoring Officer).

The Council appointed a panel of 10 Independent Persons in September 2012 further to a joint recruitment exercise with Bedford Borough, Central Bedfordshire and Luton Borough Councils, alongside Bedfordshire and Luton Combined Fire Authority and Buckinghamshire and Milton Keynes Combined Fire Authority.

These appointments were renewed in September 2016, but the membership of the panel has reduced over time and further to a resolution of the Standards Committee on 23 July 2020, a fresh recruitment exercise was undertaken, with a view to increasing the size of the panel.

1. Decision/s to be made

- 1.1 That the individuals set out in supplementary Annex A, be appointed to serve as Independent Persons for Milton Keynes Council, from 1 October 2020, for a period of 4 years.
- 1.2 That each Independent Person receive an annual payment of £300, plus a fee of £75 for each case referred.

2. Why is the decision needed?

- 2.1 The Council is required by law to appoint an Independent Person to participate in the complaints arising from the Members Code of Conduct and, from 2015 to appoint at least two Independent Persons to participate in disciplinary action against statutory officers (Localism Act 2011 and the Employment Procedure Amendment Regulations 2015).
- 2.2 The authorities who had previously participated in the joint recruitment exercise in 2012 and 2016 have subsequently taken different approaches to the appointment of Independent Persons over time. Some of the Panel may however, still be shared with one or more of those authorities.
- 2.3 Since 2012 membership of the Panel has fallen from ten to three and given the imminent expiry of those remaining appointments from 2016, a fresh recruitment exercise to increase the size of the panel was recommended by the Standards Committee, in order to:
 - ensure appropriate cover which is commensurate to a large unitary authority;
 - appoint as diverse a panel as possible; and
 - avoid any prejudicial or preventative factors delaying progress with local standards processes.
- 2.4 There is a legal requirement that the position of Independent Person be advertised in a manner likely to bring it to the attention of the public. The role was advertised on the Council's website for a period of around three weeks, supported by a social media campaign. Seven completed application forms were received before the deadline.
- 2.5 A shortlisting process was undertaken by the Monitoring Officer and Chair of Standards Committee, before references were taken up, prior to interview and selection. The proposed panel of Independent Persons is set out in supplementary Annex A.

3. Implications of the decision

Financial	Y	Human rights, equalities, diversity	N
Legal	Y	Policies or Council Plan	N
Communication	N	Procurement	N
Energy Efficiency	N	Workforce	N

a) Financial implications

Until this recruitment round the annual payment element of payments was shared between the authorities who undertook the most recent recruitment exercise.

In the event that no costs are shared and that all seven applicants are appointed, the upper bound annual cost would be £2,100. This would create a modest budget pressure which could be accommodated in existing budgets within Legal and Democratic Services.

A small increase in fee from £50 - £75 is proposed for each case referred to an Independent Person. This is reflective of the often complex and detailed information which is required to be reviewed by Independent Persons. Assuming up to 12 cases per year requiring referral to the panel, this would be a further cost of around £1,000 which can be met from existing budgets.

b) Legal implications

The recommendations in this report meet the requirements of the Localism Act 2011 and the Employers Procedure Amendment Regulations 2015 as summarised at paragraph 2.1.

It is a requirement of the Localism Act 2011 that a majority of the Council's members (as opposed to those present at the meeting) approve the appointment of Independent Persons.

c) Other implications

None.

4. Alternatives

- 4.1 The Council could choose to appoint as few as two Independent Persons, in order to meet its statutory responsibilities. However, to allow for absences, potential conflicts of interest and the practical separation of advice provided to the Monitoring Officer and subject Councillors, a larger pool is considered best practice.
- 4.2 The Council could choose to appoint Independent Persons for a shorter term. However, the Committee for Standards in Public Life recommends a maximum four-year period without re-application. The proposed appointment term avoids the need for a further recruitment exercise in 2022 and is consistent with other neighbouring authorities practice and that at Milton Keynes Council.

5. Timetable for implementation

- 5.1 A job specification, application form and recruitment pack were prepared with the agreement of the Chair of the Standards Committee and the position(s) were advertised on the Council's website between 10 August – 28 August 2020.
- 5.2 Shortlisting and interviews were undertaken in the period 1 September – 11 September 2020. The interview panel comprised the Chair and Vice-Chairs of the Standards Committee.
- 5.3 The details of the successful applicants (along with a brief biography) will be circulated as supplementary Annex A, by no later than Monday 14 September 2020.
- 5.4 Once confirmed, the appointment is effective from 1 October 2020 and will run for a period of four years.

List of annexes

Supplementary Annex A – Applicants recommended for appointment to the panel of Independent Persons (to follow).

List of background papers

None.