

INDEPENDENT PERSONS

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1. Purpose

- 1.1 To inform the Standards Committee of the recruitment exercise undertaken by Central Bedfordshire, Bedford Borough, Luton, Milton Keynes and the Fire Authorities in respect of Independent Persons.

2. Recommendations

- 2.1 That the Council be recommended that, subject to transitional provisions contained in the Localism Act 2011 (Commencement No. 6 and Transitional Savings and Transitory Provisions) Order 2012 (as amended), the following persons be appointed as Independent Persons for a period of four years:
1. Maureen Briggs
 2. Christopher Ensor
 3. Vasco Fernandes
 4. Christopher Fogden
 5. John Jones
 6. Michael Collins Jones
 7. Martin Leppert
 8. Timothy Mainwaring
 9. John Mackay
 10. Alexandra di Stefano;
- 2.2 That it be noted that Christopher Fogden, as a previous Independent Member for Milton Keynes Council and appointed after 24 July 2012, will only be able to act as an Independent Person for Milton Keynes Council until 1 July 2013.
- 2.3 That approval in principle be given to a system of payment which includes a retainer for each Independent Person, 1/5 paid by each authority, and a 'per case' fee paid by the instructing authority.
- 2.4 That the agreement of payment arrangements be delegated to the Monitoring Officer, in line with the principle at 2.3 above.

- 2.5 That the Monitoring Officer report back to the Committee on payment arrangements and also provide a regular update of payments to Independent Persons to each meeting of the Standards Committee.
- 2.6 That the Monitoring Officer inform the appointed Independent Persons of their appointment and terms of engagement.
- 2.7 That the Monitoring Officer, in consultation with the other authorities, agree training provision for the Independent Persons.

3. Background

- 3.1 The Localism Act 2011 states that a relevant authority must include, within its arrangements for the determination of complaints provision for the appointment of at least one Independent Person whose 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 whose views may be sought by the authority in relation to the allegation, by a member or co-opted member of the authority if that person's behaviour is the subject of an allegation and by a member or co-opted member of a parish council if that person's behaviour is the subject of an allegation and the authority is the parish council's principal authority.
- 3.2 The original legislation was drafted in such a way as to prevent any person who was a member, co-opted member or employee of the authority in the last 5 years from becoming an Independent Person. This included Independent Members of Standards Committees.
- 3.3 After some lobbying, the government altered its position on this, allowing Independent Persons who had been Independent Members to become and remain Independent Persons, if appointed prior to 24 July 2012, indefinitely and if appointed after 24 July 2012, until 1 July 2013.
- 3.4 Due to the original position, and in order to be able to capture and retain some of the skills and experience gained by Independent Members, Central Bedfordshire, Bedford Borough, Luton and Milton Keynes Council's, along with Bedfordshire and Luton Combined Fire Authority and Buckinghamshire and Milton Keynes Combined Fire Authority agreed to undertake a joint recruitment exercise, in order to establish a pool of Independent Persons, some of whom may have acted as Independent Members in the past and therefore could not act for the authority for which they had been a member, but may act for the other authorities.
- 3.5 This exercise was undertaken and interviews undertaken by elected members from Bedford, Central Bedfordshire, Milton Keynes and Luton produced a list of 10 Independent Persons to form the 'pool'.

Milton Keynes Council Arrangements

- 3.6 Milton Keynes Council's arrangements require that as well as being available for consultation at the determination stage of a complaint that has been investigated, the Independent Person should also be present and consulted at the initial assessment of any complaint by the Sub-Committee.

- 3.7 In addition to these roles, it should be noted that any person who is the subject of a complaint may contact an Independent Person to 'seek their views' in respect of the complaint.
- 3.8 In order to avoid any potential conflicts of interest, the Independent Person consulted by the Authority should be different to the Independent Person consulted by the subject of the complaint.

Appointments

- 3.9 It is proposed that each authority will appoint all 10 Independent Members, in order to allow for a wide pool and to ensure that availability and potential conflicts of interests can be managed. One of the authorities has decided that it will only make two appointments, which will need to be considered when payment terms are agreed.

Payment arrangements

- 3.10 Payment arrangements will need to be agreed between the authorities to ensure a consistency of approach. It is proposed that the Independent Persons should be paid on a case basis, therefore any Independent Person sitting on the initial assessment of a matter will receive a payment, whether or not that case progresses to a hearing.
- 3.11 It is further proposed that the subject of a complaint is given, at an early stage, the contact details of one of the Independent Persons (a rota system is to be agreed with the other authorities). If the subject member makes contact with this person and discusses the matter with them, the Independent Person will be required to fill out a contact sheet, triggering payment. If the Independent Person is not contacted, no payment will be made.
- 3.12 A potential payment of a £300 annual retainer to each Independent Person (paid by 5ths from each authority in the sharing arrangement) and a £50 case fee is currently being discussed.

Background Papers: None