

## **REPORT TO EXECUTIVE and COUNCIL**

**Date of Meetings : Executive 13<sup>th</sup> February and Council 20<sup>th</sup> February**

**Report of: City Solicitor and Head of HR (in her capacity as Monitoring Officer)**

**Title: The Appointment of two Independent Persons**

**Is this a Key decision?**

**No**

**Is this an Executive or Council function?**

**Council**

### **1. What is the report about?**

- 1.1 To consider the appointment of 'Independent Persons' to comply with the principles set out in the Regulatory Framework of the Audit and Governance Committee

### **2. Background**

- 2.1 S.28 of the Localism Act 2011("the Act") imposes a statutory duty upon the Council to ensure that high standards of conduct are maintained by its Members and Co-opted Members
- 2.2 Until August 2017 the Council had two 'Independent Persons' to call upon, Mike Fowles and Will Page. Mr Fowles resigned in August last year and Mr Page has now tendered his resignation with effect from the 20<sup>th</sup> February 2018
- 2.3 In order to comply with the provisions of s.28(7) of the Act there is a continuing obligation for the appointment of at least one 'Independent Person' whose views are to be sought in the event of an investigation pertaining to the Members' Code of Conduct
- 2.4 An advertisement for the vacancies was placed in the local paper in October last year but no responses were forthcoming. However two applications have recently been received from Mr Ian Brooking and Professor Brian Kirby who both wish to be considered for the roles of 'Independent Person'. Mr Brooking, having been appointed to this role at Devon County Council for the past six years, is both knowledgeable and experienced in this field as is Professor Kirby who, Members may recall, sat as an 'Independent Chair' on the Council's Standards Committee until 2012 and, for a short while afterwards, on the Audit and Governance Committee, retiring in 2013
- 2.5 Executive and full Council is asked to consider this report since the Audit and Governance Committee does not sit until 14<sup>th</sup> March 2018 and would miss the statutory deadline

### **3. Recommendation**

- 3.1 Given both Professor Kirby and Mr Brooking's previous experience, Members are invited to approve their appointment as 'Independent Persons'
- 3.2 If their appointments are deemed acceptable Executive is asked to recommend to Council that they are both appointed to the roles of 'Independent Person' for the Audit and Governance Committee with effect from 20<sup>th</sup> February 2018

- 3.3 To give a vote of thanks to Mr Fowles and Mr Page for their help and assistance to both the Audit and Governance Committee and the Monitoring Officer throughout the term of their office

#### **4. Reasons for the Recommendation**

- 4.1 To ensure that the Council complies with its statutory duty under the provisions of s.28 of the Act

#### **5. Section 151 Officer's comments**

- 5.1 There are no financial implications contained in this report.

#### **6. What are the Legal aspects?**

- 6.1 Failure to appoint at least one 'Independent Person' would prejudice the Council's Code and Conduct and might prejudice any investigation of complaint made against Members

#### **7. Monitoring Officer's comments**

- 7.1 No comments other than those set out in 6.1 above

#### **8. Are there any other options?**

- 8.1 To re-advertise the vacancy and seek applications from others wishing to fulfil this role, however there would be little likelihood of filling the vacancy prior to the deadline of 20<sup>th</sup> February 2018 if that decision is made

**Baan Al Khafaji**

**City Solicitor and Head of HR**

#### **Local Government (Access to Information Act) 1972**

Background papers used in compiling this report:

The Localism Act 2011