

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Mark Stinson - Executive Manager Governance (Deputy Monitoring Officer)

To: Council – 23 September 2020

Author: Rhonda Booth – Democratic Services Manager

Subject: Appointment of Independent Person under the Localism Act 2011

Purpose: This report requests that Council approve the appointment of an Independent person for standards of conduct issues affecting Council and Parish Council Members, in accordance with the requirements of Section 28(7) of the Localism Act 2011.

Recommendation(s):

- 1) That Mike Sopianos be appointed as “Independent Person” under Section 28(7) of the Localism Act 2011, until the annual Council meeting in May 2022

1.0 BACKGROUND

- 1.1 Under the Localism Act 2011, the arrangements adopted by the Council to deal with the consideration of Councillor Code of Conduct complaints must include provision of one or more Independent Persons:
 - They must be consulted by the Council before it makes a finding as to whether a Councillor has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Councillor (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);
 - They may be consulted by the Council, or complainant, in respect of a standards complaint at any stage of the process; and
 - They may be consulted by a Councillor or co-opted member of the District Council or of a Parish Council against whom a complaint has been made.
- 1.2 As a result of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, Independent Persons now have an additional formal statutory role working together as part of a panel in advising the Council prior to any vote on whether to dismiss the Council’s Head of Paid Service, Monitoring Officer and Chief Finance Officer, (‘Protected Officers’). Under these regulations, the advisory panel must contain at least two Independent Persons. (At meetings held on 24 June 2015 (South Holland District Council) and 9 July 2015 (Breckland Council) both councils agreed that the two Independent persons should comprise, where possible, one Independent person appointed by Breckland Council and one appointed by South Holland Council)
- 1.3 In June 2012, Tony Wicks was appointed as the Council’s Independent Person; this was again reaffirmed by the Council in February 2015 through to the Annual Council meeting in May 2019. Tony Wicks was reappointed by Council in March 2019 through to the

Annual Council meeting in May 2020. Due to the impact of COVID-19 the annual general meeting was moved to 23 September 2020 and Tony Wicks agreed to continue to this date. The Council wishes to extend its thanks to Mr Tony Wicks for his work as the Independent Person for South Holland Council.

- 1.4 In accordance with the provisions of the Localism Act, an advertisement for the Independent Person Role was published in February 2020. Candidates submitted formal written applications, and a panel consisting of the Council's Deputy Monitoring Officer and the Democratic Services Manager conducted virtual interviews via Zoom for the position week beginning 31st August 2020. There were 13 applications received; and 4 candidates were interviewed. Following this competitive process, Mike Sophianos was identified as the most suitable person for the Independent Person position.
- 1.5 The Committee on Standards in Public Life published, in January 2019, a report entitled 'Local Government Ethical Standards' which proposed a number of changes to the ethical standards framework. Some of the proposed changes affect the role of the Independent Person, but are subject to primary legislation bringing them into force. One such change (that requires an amendment to the Localism Act 2011) will set a two-year fixed term for an Independent Person appointment (renewable once). Whilst not yet having legal force, it is proposed that appointments now be made on this basis.

2.0 **OPTIONS**

- 2.1 Members are invited to appoint Mike Sophianos as the Independent Person until the annual Council meeting in 2022.
- 2.2 The option to "Do Nothing" does not apply in the instance as the position of Independent Person is a statutory position which the Council is required to have.

3.0 **REASONS FOR RECOMMENDATION(S)**

- 3.1 To appoint an "Independent Person" in line with the requirements of the Localism Act 2011

4.0 **IMPLICATIONS**

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Transformation Programme; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

4.1 **Constitution & Legal**

- 4.1.1. To comply with Section 28(7) of the Localism Act 2011 that the Council has in place an Independent Person.

4.2 **Financial**

- 4.2.1 An allowance is paid to the Independent person for any work undertaken. The current allowance is £1,300 per annum.

5.0 **WARDS/COMMUNITIES AFFECTED**

5.1 All

6.0 **ACRONYMS**

6.1 None

Background papers:- None

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Key Decision: No

Exempt Decision: No

This report refers to a Mandatory Service