



REPORT TO:	South Holland District Council
DATE:	Wednesday, 11 May 2022
SUBJECT:	Reappointment of Independent Person
PURPOSE:	To seek approval for the re-appointment of the Independent Person
KEY DECISION:	<i>N</i>
PORTFOLIO HOLDER:	Portfolio Holder for Corporate & Communications
REPORT OF:	Mark Stinson, Assistant Director – Governance (Monitoring Officer)
REPORT AUTHOR:	Rhonda Booth, Democratic Services Manager Forrest White, Democratic Services Assistant
WARD(S) AFFECTED:	All Wards
EXEMPT REPORT?	<i>N</i>

SUMMARY

Under Section 28(7) of the Localism Act 2011, the Council is required to appoint an Independent Person to seek their views before making a decision on an allegation which it has decided to investigate.

RECOMMENDATIONS

That the current Independent Person, Mike Sofianos, is reappointed for the period 12th May 2022 until the annual Council meeting in May 2024.

REASONS FOR RECOMMENDATIONS

It is recommended that Mr Sofianos is re-appointed until the annual Council meeting in May 2024 in order to comply with the Localism Act 2011.

OTHER OPTIONS CONSIDERED

- Not to reappoint Mr Sofianos and to start a recruitment process for the position of Independent Person.
- The option of 'do nothing' does not apply in this instance as the position of Independent Person is a statutory position which the Council is required to have.

1. BACKGROUND

- 1.1 The Localism Act 2011 places a duty on South Holland District Council and each of the 22 Parish Councils within the district to promote and maintain high standards of conduct for elected and co-opted members. This includes the requirement to have a Code of Conduct with which members must comply.
- 1.2 The Act also requires that the Council adopts arrangements for dealing with complaints on breaches of the Code of Conduct both by South Holland District Council members and by Parish Council members within the district. This must include provision for the appointment of at least one Independent Person.

2. REPORT

- 2.1 The Localism Act 2011 states that the Independent Person will have the following functions:
- They must be consulted by the Council before it makes a finding as to whether a member has failed to comply with the Code of Conduct following investigation or decides on action to be taken in respect of that member;
 - They may be consulted by the Council in respect of a standards complaint at any other stage; and
 - They may be consulted by a member or co-opted member of South Holland District Council or of a Parish Council against whom a complaint has been made.
- 2.2 Following a recruitment process, Mr Mike Sofianos was appointed as Independent Person at the full Council meeting held on 23 September 2020. His current appointment is set to expire at annual council on 11 May 2022.
- 2.2.1 The House of Lords Committee on Standards in Public Life recommended that appointments should be a maximum of two years and up to one reappointment.

3. CONCLUSION

- 3.1 It is recommended that the Council reappoint Mr Sofianos as South Holland District Council's Independent Person until the Annual Council meeting in May 2024 in order to comply with the Localism Act 2011. A full recruitment process will be undertaken to appoint a new Independent Person in 2024.

4. EXPECTED BENEFITS TO THE PARTNERSHIP

- 4.1 *None*

5. IMPLICATIONS

- 5.1 **SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP**

5.1.1 *None*

5.2 CORPORATE PRIORITIES

5.2.1 *None*

5.3 STAFFING

5.3.1 *None*

5.4 CONSTITUTIONAL AND LEGAL IMPLICATIONS

5.4.1 To comply with Section 28(7) of the Localism Act 2011 that the Council has in place an Independent Person. Appointment of the Independent Person is a non-executive function and falls to Full Council to determine.

5.5 DATA PROTECTION

5.5.1 *None*

5.6 FINANCIAL

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

5.7 RISK MANAGEMENT

5.7.1 *None*

5.8 STAKEHOLDER / CONSULTATION / TIMESCALES

5.8.1 *None*

5.9 REPUTATION

5.9.1 *None*

5.10 CONTRACTS

5.10.1 *None*

5.11 CRIME AND DISORDER

5.11.1 *None*

5.12 EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

5.12.1 Appointment of the current Independent Person took place following an open recruitment process and any future recruitment process will be open to anyone who meets the statutory criteria.

5.13 HEALTH AND WELL BEING

5.13.1 *None*

5.14 CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

5.14.1 *None*

5.15 LINKS TO 12 MISSIONS IN THE LEVELLING UP WHITE PAPER

None

6. ACRONYMS

6.1 None

APPENDICES

None

BACKGROUND PAPERS

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

CHRONOLOGICAL HISTORY OF THIS REPORT

A report on this item has not been previously considered by a Council body.

REPORT APPROVAL

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