

APPOINTMENT OF INDEPENDENT PERSON

Reporting Officers: Borough Solicitor and Head of Democratic Services

SUMMARY

1. In accordance with the provisions of the Localism Act 2011 (the Act), Council in July 2012 agreed the adoption of a new Code of Conduct for Hillingdon Members and co-opted members. In July 2013 Council formally appointed Mr David Smith to the position of Standards Committee Independent Person for a 3 year period to July 2016.
2. Mr Smith is a practicing consultant with Turbervilles Solicitors having retired from the partnership in April 2013 and is also involved with a leading animal welfare charity.

RECOMMENDATIONS: That Council be recommended to extend the period of appointment of Mr David Smith as Independent Person for a further three years to June 2019.

3. The Act requires the Council to have in place arrangements under which, firstly, complaints can be investigated and, secondly decisions on complaints can be made. As a part of that process, the Act envisaged a new role for an 'Independent Person'.
4. The Council is required to appoint at least one Independent Person. Although not a member of the Standards Committee, the Independent Person's views are to be sought and taken into account by the Committee when considering complaints about the conduct of a Member or co-opted member of the authority.
5. Since the new Code was adopted there has only been one complaint about a Member which has reached the stage of formal consideration by the Standards Committee thereby requiring Mr Smith's involvement.
6. The appointment of an Independent Person is made after the position has been advertised to the general public and Mr Smith was appointed following submission of expressions of Interest and an interview process conducted by the Committee.
7. Moving forward, Mr Smith has indicated his willingness to continue in his role. This option would obviously negate the time and expense of re-advertising and interviewing for the position.
8. The position carries a Special Responsibility Allowance of £1,533 p.a.

Financial Implications

9. The cost of advertising and interviewing for the position could be met from existing budgets.

Legal Implications

10. Section 28[8] of The Localism Act 2011 prescribes the procedure that a local authority must follow if it wishes to appoint one or more Independent Persons in relation to its Standards regime. The position has to be advertised to the general public and an interview process has to be conducted once expressions of interest have been received - any appointments have to be ratified by full Council.
11. There is nothing in the Act which prohibits the extension of Mr Smith's appointment as an Independent Person

Background Papers: None