

**COUNCIL MEETING – 22ND FEBRUARY, 2018**

**AGENDA ITEM NO. 6 (6)**

**APPOINTMENT OF INDEPENDENT PERSON**

A Report from the meeting of the Licensing and General Purposes Committee on 29th January, 2018.

**1. INTRODUCTION**

1.1 This report recommends an appointment to the role of Designated Independent Person (DIP) for Rushmoor Borough Council, as part of the regime on Members' Standards, which was introduced by the Localism Act 2011.

**2. SUMMARY OF ROLE**

2.1 Under the provisions of the Localism Act 2011, the Council is required to appoint at least one "Independent Person" to assist the Council in promoting and maintaining high standards of conduct amongst its elected Members. The previously appointed DIP is no longer available to the Council and it is necessary to re-appoint to the role. A copy of the role description is attached as Appendix 1.

2.2 The Statutory functions of the DIP are:-

- They must be consulted by the Authority before it makes a finding as to whether a Member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Member.
- They may be consulted by the Authority in respect of a standards complaint at any other stage; and
- They may be consulted by a Member or co-opted member of the Council against whom a complaint has been made.

2.3 A person is considered not to be "Independent" if:-

- He/she is, or has been within the last five years, an elected or co-opted member or an officer of the Council.
- He/she is, or has been within the last five years an elected or co-opted member of any Committee or Sub-Committee of the Council; or
- He/she is a relative or close friend of a current elected or co-opted member or officer of the Council.

- 2.4 There is no payment for the role. However, it is proposed that a small annual retainer allowance be paid to the post-holder equivalent to the amount allowed for a co-opted committee member (£480 per annum). This reflects the need for the Independent Person to maintain up to date knowledge, attend training and be available to the Council as and when required by the Solicitor to the Council and/or Members.
- 2.5 Since the adoption of the current standards regime, there have been few complaints, and the call on the DIP has been minimal. In the circumstances that an elected Member is involved in a complaint, and a conflict of interest arises with the Designated Independent Person, the Council would seek to work with a neighbouring authority's DIP for that case.

### **3. APPOINTMENT PROCESS**

- 3.1 In accordance with the requirements, applications for the position of Independent Person were invited by public advertisement through the Council's website and social media, and with additional assistance from Rushmoor Voluntary Services, during October/November 2017. Three eligible candidates were invited to an interview in December. In consultation with the Chairman of the Licensing and General Purposes Committee, the Interview Panel convened and comprised the Vice-Chairman of the Licensing and General Purposes Committee, the Head of Legal Services (Monitoring Officer) and the Democratic Services Manager.
- 3.2 Further to the interviews, it was proposed to the Licensing and General Purposes Committee that Mrs Mary Harris be recommended to the Council for appointment as the Designated Independent Person for a three-year term. Further to a request by the Committee, contact was then made with all councillors to confirm the independence of the recommended candidate.

#### **3.3 Candidate Details**

Mary Harris is a resident of the Borough, with an MBA in Public Policy and substantial experience in parish and town clerk roles with Proper Officer responsibilities. This includes responsibilities for advising on, and experience of working within, the current standards regime. She is currently Parish Clerk in a neighbouring Hampshire District. Mary Harris has also held a number of senior executive positions for Housing Associations and served in a number of community voluntary roles bringing experience of dealing with difficult and contentious issues and complaints.

### **4. RECOMMENDATION**

- 4.1 The Council is recommended to approve the appointment of Mrs. Mary Harris as the Council's Designated Independent Person (DIP) for a three-year term.

A. JACKMAN  
CHAIRMAN  
LICENSING AND GENERAL PURPOSES COMMITTEE

**ROLE OF INDEPENDENT PERSON – RUSHMOOR BOROUGH COUNCIL**

**ROLE DESCRIPTION**

Responsible to: The Council

Liaison with: Monitoring Officer, members of the Licensing and General Purposes Committee, officers and members of the Borough, key stakeholders within the community.

1. To assist the Council in promoting high standards of conduct by elected and co-opted members of Rushmoor Borough Council and in particular to uphold the Code of Conduct adopted by the Council and the seven principles of public office, namely selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
2. To be consulted by the Council through the Monitoring Officer and/or the Licensing and General Purposes Committee before it makes a decision on an investigated allegation and to be available to attend meetings of the Hearing Panel of the Licensing and General Purposes Committee for this purpose.
3. To be available for consultation by the Monitoring Officer and/or the Licensing and General Purposes Committee before a decision is taken as to whether to investigate a complaint or to seek local resolution of the same.
4. To be available for consultation by any elected member, who is the subject of a standards complaint.
5. To develop a sound understanding of the ethical framework as it operates within Rushmoor Borough Council.
6. To participate in training events to develop skills, knowledge and experience and in networks developed for Independent Persons operating outside the Borough Council's area.
7. To attend training events organised and promoted by the Council's Licensing and General Purposes Committee.
8. To act as advocate and ambassador for the Council in promoting ethical behaviour.