

Appointment of Additional Independent Person

Date: 22 February 2023

Report of: City Solicitor

Report to: Council

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

The purpose of this report is to present Members of Council with the recommendation of General Purposes Committee in relation to the appointment of an additional Independent Person to the Standards and Conduct Committee.

Five candidates applied for the position of Independent Person and on the recommendation of a Member Panel, General Purposes Committee resolved to recommend the appointment of Mrs Claire McManus as the Independent Person for a period of two years beginning on 1 April 2023, with an option to extend by a further two years.

Recommendations

Council is asked to appoint Claire McManus as an Independent Person to the Standards and Conduct Committee, for a period of up to two years, with an option to extend by a further two years, subject to agreement between the Council and Mrs McManus, pursuant to s.28 Localism Act 2011.

What is this report about?

- 1 On 16 May 2022 the General Purposes Committee resolved that a recruitment process be progressed to appoint a new (additional) Independent Person via a cross party Member Panel (chaired by the Executive Member for Resources and with representation drawn from the Standards and Conduct Committee) with that Panel making recommendations to the General Purposes Committee for appointment of a new Independent Person by full Council.
- 2 The role description and a short advertisement were placed on the Council's website for a five week period and written applications were invited by 25 November 2022. The role description is attached to this report as Appendix 1.
- 3 A Member Panel met on 10 January 2023 and interviewed all five candidates that applied for the role. On the basis of their written application and interview, the Member Panel agreed to recommend the appointment of Mrs Claire McManus as the additional Independent Person for a period of two years from 1 April 2023, with an option to extend by a further two years subject to agreement between the Council and Mrs McManus, pursuant to s.28 Localism Act 2011.
- 4 On 8 February 2023 and on the basis of that recommendation, General Purposes Committee resolved to recommend to Council the appointment of Mrs McManus.
- 5 Mrs McManus has a career based in the regulated sectors of Banking, Accountancy and Teaching and has experience working with the Teaching Regulation Agency as well as being a current Lay Member for the accountancy regulator (ICAEW Regulatory Board). She has also been a restorative justice mediator.

What impact will this proposal have?

- 6 The appointment of an additional Independent Person will allow the existing Independent Person (Mr Tollefson) to work alongside the successful candidate as part of their induction into the role.
- 7 The appointed Independent Person provides impartial advice to the authority and has quarterly briefing meetings with the Deputy Monitoring Officer(s) and is consulted on all complaints assessed under the Council's procedures.
- 8 The appointment of an additional Independent Person provides greater resilience and capacity to the Council.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 9 N/A

What are the resource implications?

- 10 The newly appointed Independent Person will be entitled to an allowance as specified in the Members Allowance Scheme contained within Part 6 of the Council's constitution. For 23/24 this allowance is £2,786.98.
- 11 Additional financial provision has been made the allowance to be paid to the additional Independent Person from 1st April 2023.

What are the key risks and how are they being managed?

- 12 The role of Independent Person is prescribed in the Localism Act to has impartial advice to Members and the Monitoring Officer.
- 13 Having a well-functioning ethical framework, including objective independently minded Independent Persons helps maintain confidence in the Council's governance arrangements.

What are the legal implications?

- 14 A relevant authority must appoint at least one independent person whose views are to be sought, and taken into account,
 - a) by the authority before it makes its decision on an allegation that it has decided to investigate,
 - b) by the authority in relation to an allegation in circumstances not within paragraph a),
 - c) by a member, or co-opted member, of the authority if that person's behaviour is the subject of an allegation, and
 - d) by a member, or co-opted member, of a parish council if that person's behaviour is the subject of an allegation and the authority is the parish council's principal authority.

Options, timescales and measuring success

What other options were considered?

- 15 An option to not to appoint an additional Independent Person has been considered but discounted. This being because there is a need to consider succession planning in the event the existing Independent Person does not wish to continue in their role (or that term is not further extended) at the end of their current term in July 2024.

How will success be measured?

- 16 Success will be measured by the appointment of an additional Independent Person and the provision of increased capacity in the role.

What is the timetable and who will be responsible for implementation?

- 17 Subject to Council resolving to appoint Mrs McManus the role will commence from 1 April 2023.

Appendices

- Appendix 1 – Role of Independent Person

Background papers

- None