

DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	11 APRIL 2016	9
APPOINTMENT OF INDEPENDENT PERSONS			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The Council is asked to consider the appointment of three statutory Independent Persons pursuant to Section 28 (7) of the Localism Act 2011.

RECOMMENDATIONS

1. To agree to appoint Mr Tony Mozley, Mr Brian Horrocks and Mrs Helen Broughton as statutory Independent Persons pursuant to Section 28 (7) of the Localism Act 2011, for a period of 3 years starting from 1 May 2016 until 30 September 2019.
2. To confirm the continuation of the sharing arrangement with Blackpool Council for the use of the Independent Persons.
3. To request the Chairman of Audit and Standards Committee and the Monitoring Officer write a joint letter on behalf of the Council to Mr Tony Elwood, to thank him for his service as an Independent Person over the previous 3 years and to wish him well for the future.

SUMMARY OF PREVIOUS DECISIONS

28 January 2013 - Council appointed Mr Ellwood, Mr Mozley and Mr Horrocks for a three year term.
 20 May 2015 – Council appointed Mr Ellwood and Mr Horrocks, as co-opted members, to the Chief Officers Employment Committee.
 14 December 2015 – Council agreed the extension of the term of office for the Independent Person until June 2016 or until the satisfactory conclusion of the recruitment process to appoint new Independent Persons.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	
Delivering the services that customers expect of an excellent council (Clean and Green)	√
Working with all partners (Vibrant Economy)	√
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	
Promoting Fylde as a great destination to visit (A Great Place to Visit)	

REPORT

1. The Localism Act 2011 abolished the former standards regime including the requirement to have co-opted independent members. However, in the interests of enabling independent scrutiny of the process by which complaints against elected members are dealt with, the Act includes a requirement that all Local Authorities must appoint at least one Independent Person. The Independent Person is not a co-opted member of the authority but is entitled to attend hearings conducted by the Audit and Standards Committee in an advisory capacity if so required.
2. In addition, the Monitoring Officer must consult with the Independent Person prior to referring a matter for formal investigation. The Monitoring Officer can also use them in an advisory manner in other standards matters. The Act also states that an Independent Person should be available to be consulted by a member who is the subject of an allegation that they have breached the Members' Code of Conduct. As the Independent Person advising a member subject to an allegation cannot be one and the same as to whom the Monitoring Officer has utilised, this leads to the conclusion that there should be at least two Independent Persons.
3. Following the introduction of the legislation in 2012, Fylde and Blackpool Councils agreed to share Independent Persons across both Councils and agreed to appoint three independent persons for a three year period, finishing on 31 January 2016. The arrangement with Blackpool Council has been very successful over the last three years, and the scrutiny, advice and support of the three Independent Persons has been equally positive.
4. At the meeting of the Council in December 2015, it was agreed to extend the term of office for Mr A Mozley, Mr B Horrocks and Mr R Ellwood as statutory independent persons pursuant to Section 28 (7) of the Localism Act 2011 until June 2016 or a lesser period (agreed by Council), subject to the successful conclusion of the recruitment process.
5. The recruitment process commenced in the New Year and interviews were held in March 2016. The interview panel comprised of Councillor John Singleton, Chairman of Audit and Standards Committee; Tracy Morrison, Monitoring Officer; Councillor Fred Jackson, Chairman of Standards Committee, Blackpool Council and Mark Towers, Monitoring Officer, Blackpool Council. .
6. Mr R A Ellwood who served as an Independent Member for the previous 3 year term, had indicated that he did not wish to seek a re-appointment for personal reasons and did not put himself forward for consideration.
7. The interview panel interviewed four applicants for the three positions and recommends to Council the appointment of three of the candidates. These are Mr A Mozley and Mr B Horrocks (both of whom had served previously as Independent Persons) and Mrs H Broughton, a local business woman.
8. Legislation requires that at least one Independent Person, who resides in the borough is appointed to the Chief Officers Employment Committee, it is recommended under a later report on this agenda, to appoint all three to the committee.

IMPLICATIONS	
Finance	The Council has previously agreed to remuneration in the total sum of £750 per annum for the role of Independent Person (provision for which is included in the approved revenue budget for 2016/17).
Legal	Localism Act 2011 refers
Community Safety	None arising directly from this report
Human Rights and Equalities	None arising directly from this report
Sustainability and Environmental Impact	None arising directly from this report
Health & Safety and Risk Management	None arising directly from this report

LEAD AUTHOR	TEL	DATE	DOC ID
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LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
none		