



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	FULL COUNCIL - 31 JULY 2024
Subject	APPOINTMENT AND REMUNERATION OF INDEPENDENT PERSONS
Wards affected	None
Accountable member	Councillor Joe Harris, Leader of the Council Email: Joe.Harris@cotswold.gov.uk
Accountable officer	Angela Claridge, Director of Governance & Development (Monitoring Officer) Email: Democratic@Cotswold.gov.uk
Report author	Ana Prelici, Governance Officer Email: Democratic@Cotswold.gov.uk
Summary/Purpose	To appoint Independent Persons for standards matters and approve allowances payable.
Annexes	Annex A- Advertisement for Recruitment of Independent Persons
Recommendation(s)	That Full Council resolves to: <ol style="list-style-type: none">1. Appoint Robert Cawley and Melvin Kenyon and re-appoint Michael Paget-Wilkes and Phyllida Pyper as Independent Members, effective from 1.08.2024. All appointments to be a maximum of four years i.e. to 31.07.2028;2. Approve that the Independent Persons are paid an annual allowance of £1000 per annum on a monthly basis, plus a mileage allowance equivalent to the rate paid to elected Members;3. Authorise the Director of Governance & Development (Monitoring Officer) to commence a recruitment campaign prior to the expiration of current appointments and to enable reports to be presented on future appointments.
Corporate priorities	<ul style="list-style-type: none">• Delivering Good Services
Key Decision	NO



COTSWOLD
DISTRICT COUNCIL

Exempt	NO
Consultees/ Consultation	Audit and Governance Committee Democratic Services Business Manager Chief Executive



1. EXECUTIVE SUMMARY AND BACKGROUND

- 1.1** The Localism Act 2011 (the Act) requires the Council to have complaint handling arrangements in place. These enable an individual to make a formal complaint that an elected or co-opted member of Cotswold District Council, or a Town or Parish Council within the district area, has failed to comply with their Council's Code of Conduct for Members. The complaint handling arrangements seek to ensure that complaints are dealt with fairly and are resolved informally where appropriate.
- 1.2** The Council's Constitution, in accordance with Section 28 of the Act requires the Council to have appoint at least one Independent Person to assist the Monitoring Officer in assessing code of conduct complaints. The role of the independent persons is to provide views which are taken into account by the Monitoring Officer before a decision is made on whether a Member has breached the code of conduct. Their views may also be sought by the Council in relation to an allegation or by a Member who is alleged to have breached the code. ('Subject Member'). As a result, at least two Independent Persons should be appointed, so that one may advise the Monitoring Officer and the second may advise the Subject Member.
- 1.3** Due to the retirement of an existing independent person, the Council is recommended to appoint at least one replacement.

2. INDEPENDENT PERSONS

- 2.1** In all cases where the Monitoring Officer has been required to consider a Code of Conduct complaint they have consulted with the Independent Person, as required by the Localism Act 2011. One of the Council's Independent Persons, John Acton, retired on 31.03.2024, recruitment was undertaken to secure a replacement. The remaining Independent Persons continue to contribute in an invaluable and constructive manner, and are recommended for re-appointment.
- 2.2** The Localism Act 2011 provides that the Independent Person may not currently or within the past five years be a;
 - Member, co-opted Member or Officer of the Authority
 - Member, co-opted Member or Officer of a Town or Parish Council of which the Authority is the Principle Authority or
 - Relative or close friend of a person referred to above
- 2.3** The Independent Person role was advertised by the recruitment team and on social media channels. Following a robust selection and interview process, two candidates – Robert



Cawley and Melvin Kenyon demonstrated that they met all of the requirements of the person specification for the role and are therefore recommended for appointment.

- 2.4** Dr Robert Cawley has extensive experience as a panel member and an adjudicator in a number of sectors, including serving as an Independent Person for Stevenage Borough Council, Education Associate with the General Medical Council, and Independent Member of the Parole Board. He lives in Suffolk and has a doctorate in educational research.
- 2.5** Melvin Kenyon has is currently a non-executive director in social housing and has a background in both the private and public sectors. He has extensive experience in investigating standards complaints for numerous local authorities, serves as an independent person for Pendle Borough Council and Basingstoke and Deane Borough Council and lives in Stevenage.
- 2.6** Appointing two additional independent members would increase the resilience around standards complaints and provide the Monitoring Officer and Standards Hearing Sub-Committee with a greater pool of expertise on which to draw on.

3. ALTERNATIVE OPTIONS

- 3.1** As referenced in the body of the report, the Council has a statutory duty to recruit at least one Independent Person. The Council could determine to not appoint one or more of the existing or proposed Independent Persons, but that will reduce resilience and is not recommended.

4. FINANCIAL IMPLICATIONS

- 4.1** It is lawful to pay Independent Persons an allowance and payment does not affect their independence. An allowance of £1,000 per annum was agreed last year. This payment is recommended to continue, plus mileage expenses at the same value as that received by elected Members, currently 45 pence per mile by car for travelling to and from official meetings and other approved duties.

5. LEGAL IMPLICATIONS

- 5.1** The Localism Act 2011 requires the Council to have a Code of Conduct which sets out the standards expected of Members whenever they act in their official capacity. The Code must also have in place a suitable procedure at a local level to investigate and determine allegations that elected Members and co-opted Members of the district council or town and parish councils within the district area have breached the Code of Conduct.



COTSWOLD
DISTRICT COUNCIL

6. RISK ASSESSMENT

- 6.1 If the Council fails to adopt and maintain a Code of Conduct and a process for the investigation of complaints that are fit for purpose, robust and transparent then there are risks to the Council's reputation and to the integrity of its corporate governance and decision-making processes.

7. EQUALITIES IMPACT

- 7.1 There are no equalities implications resulting directly from this report.

8. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 8.1 There are climate implications as a result of independent persons who do not live in the Cotswold District needing to travel to Cirencester for in person meetings. However, the nature of the role means that these are likely to be infrequent. This will also be mitigated by using virtual meetings wherever possible. The impact is therefore considered minimal.

9. BACKGROUND PAPERS

- 9.1 None.

(END)