



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL - 16 MARCH 2022
Report Number	AGENDA ITEM 09
Subject	APPOINTMENT AND REMUNERATION OF INDEPENDENT PERSONS
Wards affected	ALL
Accountable member(s)	Cllr Joe Harris - Leader of the Council Email: joe.harris@cotswold.gov.uk
Accountable officer(s)	Angela Claridge, Director of Governance & Development Email: angela.claridge@cotswold.gov.uk
Summary/Purpose	To appoint Independent Persons for standards matters, commence a subsequent recruitment campaign, and approve allowances payable.
Annexes	None
Recommendation/s	<p>a) <i>Phyllida Pyper, John Acton and Michael Paget-Wilkes are re-appointed as Independent Persons, effective from 01.04.2022. All appointments to be a maximum of one year.</i></p> <p>b) <i>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.</i></p> <p>c) <i>Authorise the Director of Governance & Development to commence a recruitment campaign prior to the expiration of current appointments and to enable reports to be presented on future appointments.</i></p>
Corporate priorities	All
Key Decision	No
Exempt	No
Consultees/ Consultation	Leader of the Council. Chair of Audit Committee.



I. BACKGROUND

- I.1** In January 2021, Council resolved to adopt a new Code of Conduct for Members and appointed three members of the public as Independent Persons to carry out those roles as required by Section 28 of the Localism Act 2011 ("the Act"). Those appointments expire on 31 March 2022, and the appointees have each been paid an allowance of £1,000 per annum payable in monthly instalments.
- I.2** The requirements under the Act include the Council having in place:
- a) Arrangements for the investigation of allegations that a Member of the Council, or Town or Parish Councillor in the District, has failed to comply with the Members' Code of Conduct, and;
 - b) Arrangements under which decisions on such allegations can be made.
- I.3** Further, these arrangements must also include provision for appointment of at least one Independent Person whose views are sought and taken into account by the Monitoring Officer before a decision is made on whether a Member has breached the Code of Conduct, and whose views may be sought by the Council in relation to an allegation or by a Member who is alleged to have breached the Code. The Independent Person may also provide assistance to Members who are the subject of complaints under the Code. As a result, at least two Independent Persons should be appointed: one to work with the Monitoring Officer, and another to assist the Member subject to the complaint. They also have certain roles in relation to the disciplinary and dismissal process for Statutory Officers (Head of Paid Service, Section 151 Officer and Monitoring Officer).

2. MAIN POINTS

- 2.1** At its meeting on 20 January 2021, the Council approved the appointment of Phyllida Pyper and John Acton, and the re-appointment of Michael Paget-Wilkes as Independent Persons. These appointments expire on 31 March 2022.
- 2.2** The Act provides that the Independent Person may not be a current or within the last five years:
- a Member, co-opted Member or Officer of the Authority;
 - a Member, co-opted Member or Officer of a Town or Parish Council of which the Authority is the principal Authority or;
 - relative, or close friend, of a person referred to above.
- 2.3** In 2021, the appointments were made to ensure that the Council has sufficient provision and pending a review of the Code of Conduct. One year later, a County wide approach by all the Gloucestershire Councils is now underway reviewing the Code of Conduct. For that



reason, Council is asked to approve extending the appointments for a further year, pending a review of the Code of Conduct. During this time an external recruitment campaign will commence. Reports recommending future appointments will be brought to Council.

3. FINANCIAL IMPLICATIONS

- 3.1 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 currently received by elected Members, namely 45 pence per mile by car for travelling to and from official meetings and other approved duties.

4. LEGAL IMPLICATIONS

- 4.1 The legal implications are set out in the main body of this report. There are no other legal implications arising directly from this report.

5. EQUALITIES IMPACT

- 5.1 There are no equalities implications arising from the recommendations made in this report.

6. ALTERNATIVE OPTIONS

- 6.1 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 appoint one or two of the existing Independent Persons, but that will reduce resilience and is not recommended.

BACKGROUND PAPERS

Council 20.01.2021 Report – Adoption of the LGA Model Code of Conduct, Appointment & Remuneration of Independent Persons.