

EAST HERTS COUNCIL

COUNCIL – 26 SEPTEMBER 2012

REPORT BY THE LEADER OF THE COUNCIL

APPOINTMENT OF INDEPENDENT PERSONS

WARD(S) AFFECTED: ALL

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**Purpose/Summary of Report**

- This report seeks appointments to be made for the roles of Independent Person and reserve Independent Persons under the Localism Act 2011.

<b><u>RECOMMENDATIONS FOR COUNCIL</u> That:</b>	
<b>(A)</b>	that Philip Copland be appointed as Independent Person:
<b>(B)</b>	that Katherine Dumovic and Hazel Howitt be appointed as reserve Independent Persons.

1.0 Background

1.1 This report seeks appointments to be made for the roles of independent Person and reserve Independent Persons for the new regime on Members' Standards introduced by the Localism Act 2011.

2.0 Report

Each of the individuals proposed to be appointed are suitable for the post of Independent Person and each have confirmed that they would be prepared as an Independent Person.

2.1 At its meeting of 15 May 2012 the Council considered a report on proposed new arrangements relating to Member's conduct required in consequence of the provisions in the Localism Act 2011. The legislation requires the Council to appoint an "Independent Person". The Act requires that the views of the

Independent Person must be sought on a complaint referred for investigation before the outcome of the complaint is determined. Also, the Member who is the subject of a complaint may discuss the matter with the Independent Person.

- 2.2 The Council resolved that the Council join with other Authorities with a pool of Independent Persons and the Independent Persons be reimbursed for travel and subsistence expenses. It has not proved possible make arrangements with other authorities to create pool of Independent Persons. Therefore, applications for the position of Independent Person were invited and each candidate submitted an application.
- 2.3 Each applicant was interviewed by the Leader, the Chief Executive and Director of Customer and Community Services and the Director of Neighbourhood Services who unanimously support the recommendations in this report. The Act requires that the appointment of an Independent Person be approved by a majority of Members of the Council (not just the majority of those voting).
- 2.4 Philip Copland is a retired Borough Solicitor and former local authority Chief Executive. Katherine Dumovic is a local resident who has worked in the public sector and local government. Hazel Howitt is working in the public sector.
- 2.5 It is recommended that one Independent Person and, in case the Independent Person should be unavailable or a conflict of interest should arise, two Independent Persons be appointed. If all candidates are appointed together, all three would need to be consulted in every case. This would not deal with a potential conflict situation as all three may be in a conflict position. It is therefore proposed that two candidates are held in reserve. They would be fully involved and would receive the same training and support and involvement with the Standards Committee.

### 3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers  
Localism Act 2011

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## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	<b>People</b> This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.
Consultation:	There has been no consultation.
Legal:	The legal issues are contained in the report.
Financial:	Travel and expenses are payable which will be met from existing budgets.
Human Resource:	There are no implications.
Risk Management:	The Council is required to appoint an Independent Person. Without an Independent Person the Standards Committee would not be able to deal with complaints.