

TELFORD & WREKIN COUNCIL

FULL COUNCIL – 13TH SEPTEMBER 2012

APPOINTMENT OF THE INDEPENDENT PERSON

REPORT OF THE MONITORING OFFICER

1. PURPOSE

To seek the appointment of an Independent Person and reserve to assist the Standards Committee and the Monitoring Officer in administering the new ethical framework for Councillors.

2. RECOMMENDATIONS

2.1 That Council appoints Mr. Michael Tebbutt to the role of Independent Person as set out in the section 28 of the Localism Act 2011 for an initial period of 2½ years effective immediately

2.2 That Council appoints Mr. Christopher Humphries to the role of Independent Person as set out in the section 28 of the Localism Act 2011 in the capacity as a reserve for Mr. Tebbutt for an initial period of 2½ years effective immediately

3. SUMMARY

The Monitoring Officer has undertaken a recruitment process to find a suitable candidate to act as the authority's Independent Person in relation to councillor code of conduct complaints. This is a new role created by the Localism Act 2011. Two individuals are being put forward to undertake the Independent Person responsibilities and Council are being asked to make the appointment as requested for an initial period of 2½ years.

4. PREVIOUS MINUTES

Council 12th July 2012

Council 3rd May 2012

Standards Committee 21st September 2011

Standards Committee 21st April 2009 (ST-39)

Standards Committee 18th June 2009

Standards Committee 17th June 2010

Standards Committee 16th June 2011

Standards Committee 8th December 2011

Standards Committee 8th February 2012

5. INFORMATION

5.1 Background

5.1.1 The Council will be aware from previous reports that a new ethical framework governing councillor conduct came into force on 1st July 2012. As part of the new system set out in the Localism act 2011, a new post of Independent Person has been created.

5.1.2 The Independent Person is there to act as an impartial consultee on councillor code of conduct complaints. This will be at the point where a complaint is made and the Monitoring Officer is deciding whether the complaint should proceed, when the Standards Committee are deciding on whether a councillor has acted in breach of the Code of Conduct and the Independent Person can also be contacted by councillors if they have concerns about a conduct complaint against them. It has previously been agreed that the Council will undertake a joint appointment and share the Independent Person with Telford & Wrekin Fire Authority.

5.1.3 The Monitoring Officer has conducted a recruitment process in accordance with the statutory requirements and interviews for the post took place on 23rd August. The interview panel comprised Councillor Rae Evans, the Chairman of the Standards Committee, Councillor Chris Mellings, an experienced member of the Telford & Wrekin Fire Authority's Standards Committee and the Monitoring Officer.

5.1.4 Following the interviews, the interview panel are now able to put forward the following candidates for appointment as the Independent Person and a substitute Independent Person (in the event that the Independent Person is unable to act in a particular matter)

5.1.5 For the role of Independent Person – Mr. Michael Tebbutt

Mr. Tebbutt has recently ended his role as Chair of Shropshire & Wrekin Fire Authority's Standards Committee having been an Independent Member of that Committee for a number of years. Previously Mr. Tebbutt has served with the Royal Navy and worked at a number of stately homes one of which is Weston Park. In terms of local involvement, Mr. Tebbutt has overall management of the Newport charity, Preston Trust Homes and is the founder and President of the Wrekin Decorative and Fine Arts Society.

5.1.6 For the Role of Independent Person (reserve) – Mr. Christopher Humphries

Mr. Humphries works for the Ministry of Defence and having started his career 23 years ago as an apprentice electrician his current role is that of a senior repair manager. In terms of career experience, the knowledge of public sector working and individual knowledge of areas such as Investors in People and managing and implementing change are all features which will be relevant to the role.

- 5.1.7 The appointment of the Independent Person has to be made by the full Council. The Monitoring Officer suggests that the appointments are for an initial period of 2½ years. Training and support will be provided.

5.2 Equality and Diversity

The Monitoring Officer has overseen the recruitment process to ensure that there are no equality and diversity issues.

5.3 Environmental Impact

No implications.

5.4 Legal Comment

The role of the Independent Person is established by the Localism Act 2011, most details of the statutory appointment process are contained within the main body of this report. However, the following should be noted.

A person cannot be appointed as an Independent Person if they are a serving councillor, officer, relative or close friend of a serving councillor and/or officer or have held these posts within the last five years (former Independent Members of Standards Committee are not included if appointed before April 2013).

The post has been advertised in accordance with statutory requirements.

The role of Independent Member of the Standards Committee no longer exists. The role of Independent Person is not part of the Standards Committee membership and has no voting rights.

5.5 Links with Corporate Priorities

Maintaining an effective ethical framework and appointing members of the public to be involved in administering the process assists the Council in ensuring it meets the corporate priorities of openness and honesty, fairness and respect and involvement.

5.6 Opportunities and Risks

The risks associated with this decision have been assessed. Every effort will be made to ensure that the risks are managed effectively and the opportunities arising from making these appointments are maximised.

5.7 Financial Implications

There are costs associated with the role of Independent Person. It is proposed that this role receives expenses only but may need some professional support from time to time for which there is no specific budget identified. Costs will be monitored and any variances reported through the financial monitoring reports as appropriate.

6. **WARD IMPLICATIONS**

District wide

7. **BACKGROUND PAPERS**

Localism Act 2011

End of Report

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