


Non-Executive Report of the: Council 19 September 2018	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance & Monitoring Officer	Classification: Unrestricted
Localism Act 2011 - Appointment of Independent Person	

Originating Officer(s)	Mark Norman, Legal Adviser & Deputy Monitoring Officer
Wards affected	All Wards

Summary

This report recommends the re-appointment of Ms Elizabeth Hall as an Independent Person under the provisions of the Localism Act 2011 to undertake duties in connection with the consideration of any complaints of alleged breach of the Code of Conduct for Members by the Mayor, a Member or Co-opted Member of the Council.

Recommendations:

The Council is recommended to:

1. Agree the re-appointment of Ms Elizabeth Hall as an Independent Person for a period of 3 years effective from the date of the Council meeting and concluding on 18 September 2021.

1. REASONS FOR THE DECISIONS

- 1.1 The Localism Act 2011 requires the Council to adopt a Code of Conduct for Members and put in place arrangements for dealing with any allegation that a Member or Co-opted Member has breached the Code. In accordance with the Localism Act 2011, the arrangements adopted by the Council must include the appointment of at least one Independent Person (IP) whose views must be sought and taken into account by the authority before it makes a decision on any alleged breach of the Code which has been referred for investigation.

2. ALTERNATIVE OPTIONS

- 2.1 The Council has appointed a second IP, Rachael Tiffin and could therefore decide not to agree the re-appointment of Ms Hall. This is not recommended as a second IP is required to assist in dealing with complaints in circumstances where one IP is unable to act (for example where there is a potential conflict of interest) and/or where the Member complained about wishes to seek the view of the IP.

3. DETAILS OF REPORT

- 3.1 The IP must be consulted by the authority before it makes a finding as to whether a Member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Member. They may be consulted by the authority in respect of a standards complaint at any other stage and the Council's arrangements for dealing with alleged breach of the Code require that the IP is consulted before deciding whether a complaint should be referred for investigation. The IP may also be consulted by a Member or Co-opted Member of the Council against whom a complaint has been made. The IP is invited to attend meetings of the Standards (Advisory) Committee, but is not a co-opted member of the Advisory Committee.
- 3.2 As Ms Hall's term of appointment as IP expired on 24 June 2018, the vacancy for the role was advertised in May 2018. There were three applications which were considered by the Independent Chair of the Standards (Advisory) Committee and the Corporate Director Governance. Ms Hall was assessed as the only applicant with sufficient suitable experience to meet the requirements of the person specification for the role.
- 3.3 Ms Hall has been consulted in relation to a significant number of complaints over the past five years and her understanding and grasp of the issues have proved invaluable. The Council is therefore requested to agree to her re-appointment as IP for a period of 3 years until 18 September 2021.

4. EQUALITIES IMPLICATIONS

- 4.1 An important part of the role of the IP is to consider any equalities implications relating to any of the issues that are raised with them.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
- 5.2 There is a statutory requirement to appoint at least one IP. The re-appointment of Ms Hall will ensure the efficient operation of the Council's arrangements for dealing with alleged breach of the Code and that the Council is able to comply with statutory requirements in cases where one IP is unable to act or has a potential conflict of interests.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no financial implications from the implementation of the recommendations of this report (appointment of an independent person under the provisions of Localisation Act 2011). However, if resources are required in the future officers will be obliged to seek appropriate approval through the Council's financial approval process.

7. COMMENTS OF LEGAL SERVICES

- 7.1 The Localism Act 2011 introduced new arrangements to regulate standards of conduct by local authority Members and Co-optees. A key element of the arrangements is the appointment of at least one Independent Person.
- 7.2 The Act provides that the IP must be appointed through a process of public advertisement and there must be by a positive vote of a majority of all members of the Council (not just of those present and voting) to make the appointment. The Act sets out specific statutory prohibitions on who can be an IP and excludes current and previous (within a 5 year period) officers, Members and Co-opted Members of the authority. The relatives and close friends of a current officer, Member or Co-opted Member of the authority are also excluded from carrying out the IP role.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- None

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None

Officer contact details for documents:

N/A