

Corporate Governance and Standards Committee Report

Ward(s) affected: All

Report of Director of Corporate Services

Author: John Armstrong

Tel: 01483 444102

Email: john.armstrong@guildford.gov.uk

Lead Councillor responsible: Matt Furniss

Tel: 07891 022206

Email: matt.furniss@guildford.gov.uk

Date: 22 September 2016

Ethical Standards – Appointment of Independent Person

Executive Summary:

Following public advertisement, the Council, at its meeting on 7 October 2015, adopted the recommendation of this Committee, to re-appoint Vivienne Cameron and Bernard Quoroll as Independent Persons for a term of office expiring in May 2019.

At that time, one of the applicants, Roger Pett (who had been an Independent Person for the Council since July 2012) had stated his intention to withdraw from the process as he was anticipating moving away from the area within the next 12-18 months. However, given that only three candidates had been shortlisted and in order to retain sufficient capacity, Mr Pett was asked to re-consider his withdrawal. Mr Pett kindly agreed and indicated that he would be happy to continue in the role for 12 months, subject to the Council's approval.

The Council duly re-appointed Mr Pett for a 12-month period expiring 7 October 2016.

Following further discussions with Mr Pett and reassurances that his moving away from the area (to Sussex) would not necessarily be an impediment to his continued appointment as an Independent Person, he has stated that, once again with the Council's approval, he would be happy to continue as one of the Council's Independent Persons until May 2019.

Recommendation:

The Committee is therefore asked to recommend to Council (4 October 2016):

That Roger Pett's appointment as one of the Council's Independent Persons, under Section 28(7) of the Localism Act 2011, be extended to May 2019.

Reason for Recommendation:

To comply with the Council's obligations under the Localism Act 2011 in respect of ethical standards and the Arrangements adopted thereunder by the Authority for dealing with complaints regarding councillor conduct.

1. Purpose of Report

To ask the Council to agree to re-appoint Roger Pett as an Independent Persons as required by the Localism Act 2011 (“the Act”) in respect of ethical standards and by regulations in respect of the dismissal of statutory officers.

2. Background

- 2.1 The Act introduced a new ethical standards regime for local government in 2012 which, amongst other things, requires the Council to seek the views of an Independent Person before it takes a decision on an allegation of misconduct by a councillor which it has decided to investigate. At Guildford, the Monitoring Officer also decides, after consultation with the Independent Person, whether a complaint merits a formal investigation. The Independent Person’s views may also be sought by the Council at any other stage in a misconduct complaint, or by a councillor against whom an allegation has been made.
- 2.2 Following public advertisement, the Council, at its meeting on 7 October 2015, adopted the recommendation of this Committee, to re-appoint Vivienne Cameron and Bernard Quoroll as Independent Persons for a term of office expiring in May 2019.
- 2.3 At that time, one of the applicants, Roger Pett (who had been an Independent Person for the Council since July 2012) had stated his intention to withdraw from the process as he was anticipating moving away from the area within the next 12-18 months. However, given that only three candidates had been shortlisted and in order to retain sufficient capacity, Mr Pett was asked to re-consider his withdrawal. Mr Pett kindly agreed and indicated that he would be happy to continue in the role for 12 months, subject to the Council’s approval.
- 2.4 The Council duly re-appointed Mr Pett for a 12-month period expiring 7 October 2016.
- 2.5 Following further discussions with Mr Pett and reassurances that his moving away from the area (to Sussex) would not necessarily be an impediment to his continued appointment as an Independent Person, he has stated that, once again with the Council’s approval, he would be happy to continue as one of the Council’s Independent Persons until May 2019.

3. Financial Implications

- 3.1 There are no direct financial implications arising from this report.

4. Legal Implications

- 4.1 In order to satisfy the very prescriptive requirements of the Act, the appointment of an Independent Person must be *approved by a majority of the members of the authority*. This means that any appointment must be approved by at least 25 councillors, not merely a simple majority of councillors present and voting.

5. Human Resource Implications

5.1 There are no direct human resource implications arising from this report.

6. Background Papers

None

7. Appendices

None