

Report to	Governance Committee
Date	21 February 2017
By	Head of Governance
Title of Report	Appointment of Independent Person under the Localism Act 2011

Recommendation: That the Committee

- 1) Establish a Task and Finish Group with the Terms of Reference set out in Appendix I and membership agreed at the meeting and:**
- 2) Delegate to the Head of Governance in consultation with the Governance Committee Chair to approve the advert, application pack and any other documentation necessary to recruit an independent person, and to take all other appropriate steps in carrying out the recruitment process taking into account any views expressed by the Task and Finish Group.**

1. Summary and Background

- 1.1 Under the 2011 Localism Act, the Authority is required to appoint one or more Independent Persons. The arrangements adopted by the Authority to deal with the consideration of the Members' Code of Conduct complaints include a requirement that the Independent Person's views must be sought before the Authority can reach a decision on an allegation under investigation and provide that the Independent Person should normally be involved in initial meetings and discussions concerning the handling of a complaint. The Member complained about may also seek the views of the Independent Person in respect of the complaint.
- 1.2 At its meeting in November 2016 The NPA agreed to the appointment of two independent persons. One was appointed at that meeting, this process seeks the selection and appointment of a second independent person to comply with the NPA decision.

2. Appointment of Independent Person

- 2.1 Delegated authority to the Head of Governance in consultation with the Chair of the Governance Committee is sought to undertake the recruitment process for an Independent Person, taking account of any views expressed by the Task and Finish Group. The Task and Finish group will act as a selection panel to select a preferred candidate and make a recommendation to the Authority for appointment.
- 2.2 The Authority is legally permitted to appoint more than one Independent Person and, indeed, many local authorities do so. Whilst it is possible for the Independent Person to give his or her views in respect of a complaint to both the Authority and the Member complained about, it is possible for a perception of a conflict of interest, even if not an actual conflict, to arise. In addition, it is possible that an actual conflict of interest might arise. In either case, the process may not function satisfactorily and appointing at least two Independent Persons ensures this risk is mitigated.

3. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	Yes, the National Park Authority will make the decision regarding the proposed appointment
Does the proposal raise any Resource implications?	No
How does the proposal represent Value for Money?	It is a statutory requirement on the SDNPA to appoint Independent Persons for the purpose of the Localism Act
Are there any Social Value implications arising from the proposal?	None
Has due regard been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Yes, the selection process complied with the Authority's equalities requirements.
Are there any Human Rights implications arising from the proposal?	None
Are there any Crime & Disorder implications arising from the proposal?	None
Are there any Health & Safety implications arising from the proposal?	None
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy:	No negative impacts – the appointment will contribute positively in promoting good governance

4. Risks Associated with the Proposed Decision

- 4.1 The statutory requirements on the Authority are set out in paragraph 1.1 of the report and have been complied with through the appointment of an Independent person by the Authority. There are no significant risks associated with this decision

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 Appendices Appendix 1 – Terms of Reference
 SDNPA Consultees Chief Executive Officer, Director of Countryside Policy & Management, Director of Planning, Chief Finance Officer, Monitoring Officer & Legal Services.
 External Consultees None
 Background Documents [Localism Act 2011 - CLG Guide](#)
[Authority report 12/12 June 2012](#)
[Authority report 31/12 December 2012](#)
[Authority report 15/16 June 2016](#)

Independent Person Recruitment Task and Finish Group - Terms of Reference

Role of Task and Finish Group

The remit of the group is to:

- oversee the process for the recruitment of an Independent Person for the South Downs National Park Authority
- select a preferred candidate for the position of Independent Person , having shortlisted and interviewed candidates .
- recommend to the NPA a candidate for appointment to the position of Independent Person

Term

- The Task and Finish Group will meet as necessary to fulfil its terms of reference and will cease upon the appointment of the Independent Person.

Membership

- The Task and Finish group will comprise 3 members of the Governance Committee
- The membership and Chair of the Task and Finish Group will be appointed by the Governance Committee at its meeting in February 2017.

Responsibilities

The Task and Finish Group will:

- be consulted on the documentation, advert and arrangements for the appointment process to be undertaken to recruit an independent person;
- be the selection panel for the recruitment exercise, including shortlisting of candidates for interview and undertaking interviews; and
- recommend to the NPA a candidate for appointment to the position of Independent Person for the South Downs National Park Authority.

Meetings

- The Task and Finish Group will have no formal decision making powers.
- The Task and Finish Group will make its recommendation by a simple majority.
- Support to the Task and Finish Group will be provided by staff from the Governance and Support Services Team

Amendment, Modification or variation

- Amendment, modifications or variation of these terms of reference can only be made by resolution of the Governance Committee or by resolution of the full NPA.

