

**Agenda Item 16**  
**Report 28/17**

Report to	<b>National Park Authority</b>
Date	<b>19 December 2017</b>
By	<b>Head of Governance</b>
Title of Report	<b>Appointments to the role of Independent Person under the Localism Act 2011</b>

**Recommendation:**

**That the Authority:**

- 1. Appoint the persons named in Appendix 1 as the Independent Persons of the Authority to take effect from 19 December 2017;**
- 2. Agree that the term of each appointment be two years with the option to extend the appointment for an additional two years;**
- 3. Agree that the Independent Persons receive no payment other than travelling and subsistence expenses at Authority-approved rates; and**
- 4. Delegate authority to the Appointments, Management and Standards Committee to approve, monitor and review on an ongoing basis an “Independent Person Protocol” to provide guidance on the operation of the role of the Independent Persons.**

**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. The Member complained about may also seek the views of the Independent Person in respect of the complaint.
- 1.2** The Authority’s current Independent Person was appointed by the Authority in December 2016, for a period of four years. The Independent Person however resigned from position in July 2017 and a process has since been running to seek replacement Independent Person(s)

**2. Appointment of Independent Person**

- 2.1** The Authority delegated the task of overseeing the Independent Person selection process. At its meeting on 24 May 2017, the Governance Committee agreed to an open recruitment process and appointed a Selection Panel comprising Sebastian Anstruther, Gill Mattock & Carole Nicholson, advised by the Authority’s Monitoring Officer and Head of Governance, to make a recommendation to the Authority for appointment.
- 2.2** Following public advertisement, candidates were interviewed by the Selection Panel and the Panel considered that two candidates had the necessary skills and experience to meet the requirements of the role.
- 2.3** The Authority is legally permitted to appoint more than one Independent Person and, indeed, many local authorities do so. At its meeting in December 2016 the Authority agreed to the creation of 2 independent person roles.
- 2.4** It is the recommendation of the Selection Panel that two candidates be appointed for a period

of two years with the option to extend for a further two years. This is to allow for the development of the Independent Person protocol to inform the operation of these roles and to make provision for a review of how having more than one Independent Person has operated in practice.

- 2.5 The Panel consider that making two appointments would be of benefit to the Authority for the reasons set out below:
- 2.5.1 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.
- 2.5.2 The appointment of two Independent Persons would help to ensure succession planning in the event that one of the Independent Persons was unable to complete a full term.
- 2.6 On the subject of payment, in 2012 the Standards and Audit Committee recommended that no sum be paid by way of remuneration, other than reimbursement of travelling and subsistence expenses incurred in carrying out the role, at Authority-approved rates, and the Authority agreed this. No change to this position is proposed.
- 2.7 Therefore, following the selection process the Selection Panel recommends 2 candidates for the appointment as Independent Persons of the Authority. The names of the proposed candidates are set out in the exempt Appendix to this report (to be tabled at the meeting).

### 3. Independent Person Protocol

- 3.1 It is proposed that an Independent Person Protocol be developed by the AM&S Committee. This protocol will clarify how the IPs will perform their role, and may address issues such as access to information, individual members' contact with the IP, relationships with the AM&S Committee and Full Authority and confidentiality requirements etc.
- 3.2 It is proposed that the development, approval and monitoring of this protocol be the responsibility of the AM&S committee working with the Independent Persons. This protocol would be subject to annual review by the Committee and would help inform the Independent Person's annual report to the Full Authority.

### 4. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	No
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 an Independent Person 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	None

implications arising from the proposal?	
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

## 5. Risks Associated with the Proposed Decision

5.1 The statutory requirements on the Authority are set out in paragraph 1.1 of the report and the recommendation sets out the necessary steps to ensure compliance.

### ROBIN PARR

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Appendices I Candidates (to be tabled at the meeting).

This appendix is not for publication as it contains exempt information within Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972, being information relating to an individual, and that in all the circumstances of the case, the public interest in maintaining the exempt information outweighs the public interest in disclosing the information, for the reasons set out in the report or to be discussed at the meeting (as applicable).

SDNPA Consultees Chief Executive Officer, Monitoring Officer.

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](#)

