

Report to **South Downs National Park Authority**
Date **30 March 2023**
By **Head of Governance**
Title of Report **Appointment of Independent Persons**
Decision

Recommendation: That the Authority:

- 1. Appoint the persons named in the exempt Appendix to this report as the Independent Persons of the South Downs National Park Authority for a period of four years; and,**
 - 2. Delegate authority to the Chief Executive, in consultation with the Chair of the Authority, to commence any future recruitment processes that may be required in order to bring a recommendation to appoint Independent Person/s before the South Downs National Park Authority and that Authority Standing Orders be amended as detailed in paragraph 3.3.**
-

1. Introduction

- 1.1 Under the 2011 Localism Act, the Authority is required to appoint one or more Independent Persons. In accordance with the law, the arrangements adopted by the Authority to deal with a complaint that a Member has failed to Comply with the Member Code of Conduct include a requirement that the view of one of the Independent Persons 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 one of the Independent Persons in respect of the complaint.
- 1.2 In October 2020 the Authority considered the recommendations of the Committee on Standards in Public Life (CSPL) review. One of the recommendations was that Local Authorities should have access to at least two Independent Persons. The Authority agreed this position going forward, hence the recommendation in this report to appoint two Independent Persons.

2. Appointment of Independent Persons

- 2.1 On 14 February 2023 the Chief Executive took urgent action, in line with the provision at Order 18 of the Authority's Standing Orders, to approve the commencement of a recruitment process to appoint two Independent Persons. It had been identified in January 2023 that the appointments of the Authority's Independent Persons, who were appointed in October 2020, had lapsed and therefore a recruitment process leading to a recommendation to the Authority to appoint two Independent Persons needed to be undertaken as soon as possible.
- 2.2 As part of the urgent action taken by the Chief Executive, approval was given for a recruitment process that would include the advertisement of the role, and shortlisting and interviews by a selection panel comprised of the members of the Appointment, Management

and Standard Committee leading to a recommendation to the Authority to appoint. The selection panel comprised Vanessa Rowlands, Ian Phillips and Janet Duncton, advised by the Head of Governance.

- 2.3 Following public advertisement through the SDNPA website and social media channels, candidates were interviewed by the Selection Panel and the Panel agreed on the selection of two candidates who had the necessary skills and experience to meet the requirements of the role.
- 2.4 It is the recommendation of the Selection Panel that the two candidates named at the exempt **Appendix** to this report be appointed as Independent Persons for the Authority for a period of four years.

3. Future recruitment of Independent Persons

- 3.1 The appointment of Independent Persons is a decision for the National Park Authority to take; this cannot be delegated. However, the commencement of a recruitment process leading to an appointment is largely an administrative process. Therefore, it is proposed to delegate the authority to approve the commencement of a recruitment process to the Chief Executive, in consultation with the Chair of the Authority.
- 3.2 Under this delegation the Chief Executive would approve the public advertisement of the role, determine the associated documentation, and approve the setting up of a selection panel, comprised of the members of the Appointment Management and Standards Committee, to undertake the shortlisting and interview process leading to a recommendation to appoint which would be brought to the Authority.
- 3.3 By virtue of section 28(8)(c) of the Localism Act, an Independent Person vacancy must be advertised in such manner as the Authority considers is likely to bring it to the attention of the public and candidates must submit applications to fill the vacancy. It is proposed that the following delegation be included in Appendix 7 of the Authority's Standing Orders under the Delegation of Functions to the Chief Executive.
- That the Chief Executive is hereby authorised to: *In consultation with the Chair of the Authority, approve the commencement of a recruitment process for Independent Persons, as required, to include the advertisement of the role in such manner as he considers is likely to bring it to the attention of the public, and application process and the setting up of a selection panel, comprising the members of the Appointment Management and Standards Committee, to undertake the shortlisting and interview process, leading to a recommendation to the Authority to appoint.*

4. Options & cost implications

- 4.1 In 2012 the then Standards and Audit Committee recommended that no sum be paid by way of remuneration or allowance, other than reimbursement of travelling and subsistence expenses incurred in carrying out the role, at Authority-approved rates. The Authority agreed this and no change to this position is proposed.

5. Next steps

- 5.1 Should the Authority agree to appoint the persons named in the exempt **Appendix**, they will be notified of their appointment following this meeting.
- 5.2 Should the Authority agree to the delegation at recommendation 2 of this report the Authority's Standing Orders will be amended in line with paragraph 3.3 and published on the Authority Website.

6. Other implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	No

Implication	Yes*/No
Does the proposal raise any Resource implications?	No
How does the proposal represent Value for Money?	It is a statutory requirement that the SDNPA appoint an Independent Person. This report aims to streamline the process.
Which PMP Outcomes/ Corporate plan objectives does this deliver against	Appropriate processes to support high standards in decision making indirectly support the delivery of the PMP and Corporate Plan.
Links to other projects or partner organisations	None
How does this decision contribute to the Authority's climate change objectives	There is no direct contribution from this decision.
Are there any Social Value implications arising from the proposal?	No
Have you taken regard 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 and was undertaken in line with the Authority's usual recruitment process.
Are there any Human Rights implications arising from the proposal?	No
Are there any Crime & Disorder implications arising from the proposal?	No
Are there any Health & Safety implications arising from the proposal?	No
Are there any Data Protection implications?	Any personal data will be processed in line with the Authority's Data Protection Policy
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy?	The appointments contribute to and promotes good governance at the Authority.

7. Risks Associated with the Proposed Decision

- 7.1 The Authority is required by statute to appoint at least one Independent Person whose views can be sought should a complaint be made that a Member has failed to Comply with the Member Code of Conduct.

Risk	Likelihood	Impact	Mitigation
No Independent Person available to input into the required complaints process	1	3	<p>Close monitoring by the Head of Governance and Monitoring Officer of reappointment dates</p> <p>Two Independent Persons appointed</p> <p>Delegation to commence the recruitment process, allowing the Authority to respond quickly should one of the Independent Persons resign.</p>

RICHARD SANDIFORD

Head of Governance

South Downs National Park Authority

Contact Officer: Richard Sandiford, Head of Governance

Tel: 01730 819357

Email: richard.sandiford@southdowns.gov.uk

Appendices I. Candidates recommended for appointment

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. This conclusion is reached in the basis that whilst there is a public interest in the transparency of Authority proceedings it is felt that on balance this outweighed by the individual's right to privacy pending their appointment to an official Authority position.

SDNPA Consultees Chief Executive; Director of Countryside Policy and Management; Director of Planning; Monitoring Officer.

External Consultees None

Background Documents [Authority Standing Orders](#)

**Please access the appendices to Agenda Item 13
Via the eReports system**

If you need a hard copy please contact
committee.officer@southdowns.gov.uk

