



ANNUAL COUNCIL

17th May 2023

REPORT TITLE:	Appointment of Independent Persons for Purpose of the Localism Act 2011
REPORT OF:	Claire Mayhew, Corporate Manager - Democratic Services & Deputy Monitoring Officer

REPORT SUMMARY

The Localism Act 2011 requires all principal authorities to have arrangements in place to consider allegations of breaches of the Councillors' Code of Conduct for that authority and the Codes of Conduct for its associated parish councils, and to make decisions on those allegations. In doing so, an authority must take account of the views of an Independent Person appointed by the authority. This report relates to a proposal that Brentwood Borough Council confirms the appointment of two Independent Persons to comply with the statutory requirements of the Localism Act 2011.

RECOMMENDATIONS

Members are asked to:

- R1. Appoint Mr Mike Hawkins and Mr Steve Marsh as Independent Persons to comply with the statutory requirements of Section 28(7) of the Localism Act 2011, for a period terminating at the first Council meeting after the 2025 municipal elections.**

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

It is a statutory requirement on Brentwood Borough Council as a principal Council to appoint Independent Persons for the purpose of the Localism Act 2011.

2.0 OTHER OPTIONS CONSIDERED

None – the Localism Act 2011 requires that formal appointments be made.

3.0 BACKGROUND INFORMATION

The Localism Act 2011 changed the arrangements for dealing with governance issues regarding the conduct of elected and co-opted Members. It required local authorities to adopt a Code of Conduct and establish a process for dealing with allegations that elected and co-opted members of the authority and its associated parish councils may have breached their Code of Conduct.

The Localism Act 2011 also requires the Council to appoint at least one Independent Person who must be consulted and their views taken into account on all complaints investigated and before a decision on any such complaint is made. The Council may consult with the independent person on other matters relating to an allegation and any Member subject to allegations can also seek the Independent Person's view.

To ensure independence, Independent Persons are not to have links to the Council, councillors or officers, or have been members, including co-opted membership.

In order to have the necessary capacity and to avoid potential conflicts of interests, the Council had previously agreed to an establishment of three Independent Persons; and to pay an annual allowance of £500 per person. The Independent Persons may also claim reasonable expenses for attendance, travel and subsistence.

Through a recruitment exercise, two applications were received for the Independent Persons' positions. It should be noted that the applications were from two of the current Independent Persons whose term of office was coming to an end.

The two applicants were interviewed by the Monitoring Officer and their appointment is proposed.

The Council will operate with two Independent Persons, with the third position remaining vacant, that will be re-advertised if required.

4.0 FINANCIAL IMPLICATIONS

Name/Title: Tim Willis, Director – Resources & S151 Officer

Tel/Email: 01277 312500/ tim.willis@brentwood.rochford.gov.uk

The proposed allowance is met by Existing budgets within Democratic Services and is included in the 2023/2024 budget.

5.0 LEGAL IMPLICATIONS

Name & Title: Andrew Hunkin, Director – People & Governance and Monitoring Officer

Tel & Email: 01277 312500 / andrew.hunkin@brentwood.rochford.gov.uk

The statutory requirements on the Council are set out in the body of the report.

8.0 ENGAGEMENT/CONSULTATION

It is a statutory requirement that Council approves the appointments.

9.0 EQUALITY IMPLICATIONS

Name/Title: Kim Anderson, Partnerships, Leisure & Funding Manager

Tel/Email: 01277 312634/kim.anderson@brentwood.gov.uk

Section 149 of the Equality Act requires the Council to have due regard to the Public Sector Equality Duty when making decisions, strategic planning and when implementing policies that may impact on those who have protected characteristics. Listed Authorities must comply with the requirements under the Equality Act 2010 (Specific Duties) Regulations 2011 (the Regulations), to publish equality data and list specific equality objectives. These Regulations apply to the Council.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

Name/Title: Phil Drane, Director – Place

Tel/Email: 01277 312610/phil.drane@brentwood.rochford.gov.uk

There are no direct economic implications.

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APPENDICES

None.

BACKGROUND PAPERS

Localism Act 2011 and Secretary of State for Local Government and Communities Guidance.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Annual Council	19 May 2021
Annual Council	16 May 2018
Annual Council	18 May 2016