

Chichester District Council

Standards Committee

25th January 2020

Appointment of Independent Persons

1. Contacts

Report Author

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2. Recommendation

That Standards Committee :

- 2.1 Thank Mr Newman and Mr. Plytas for their contributions to the work of the Committee as Independent Persons over several years.
- 2.2 Authorise the Monitoring Officer to undertake a process to advertise the role of Independent Persons.
- 2.3 That the Chairman of Standards be authorised to create and chair an interview panel for Independent Persons following the advertising process.
- 2.4 That the Chairman be authorised to recommend such persons as the interview panel considers appropriate to Full Council to the position of Independent Person.

3. Background

- 3.1 The Council is required to have Independent Person or Persons to carry out various consultative roles for serious code of conduct matters and similar. The Council now has only one Independent Person and to ensure effective oversight the Monitoring Officer recommends the Standards Committee authorise steps to seek one or more new independent persons.

4. Outcomes to be Achieved

- 4.1 The recruitment of one or more independent persons to support relevant constitutional and statutory functions.

5. Proposal

- 5.1 The Council is required by law to appoint at least one Independent Person whose role is set out in the Code of Conduct, primarily in being consulted by the Monitoring Officer when determining whether formal complaints should be investigated. The Independent Persons are also invited to participate in meetings of the Committee and Sub Committees.

- 5.2 On this Committee's recommendation the Council has previously appointed two Independent Persons. This allows for any occasion when one of them may feel that they have a conflict of interest for example. A more recent change in the law requires the involvement of two independent persons in disciplinary proceedings affecting

certain statutory chief officers. It therefore remains appropriate for the Council to seek to have at least two such persons in place.

5.3 Mr. Richard Newman was appointed to one of the current positions in 2012 and has provided invaluable assistance since that time. He has recently contacted the Council to advise he wishes to step down from his position.

5.4 Mr Plytas remains in post, and has also been incredibly supportive to the work of the Monitoring Officer giving invaluable insight and knowledge to several matters. Officers are taking advice on the maximum period Independent Persons may hold this position and will report further to the Standards Committee on the position as regards Mr Plytas.

5.5 A process to advertise for persons interested in being Independent Persons will need to be followed. That process will include an advert on the Council's website and in "Initiatives" magazine.

6. Alternatives Considered

6.1 The Council is required to have Independent Persons.

7. Resource and Legal Implications

7.1 There are no significant resource or legal implications beyond those set out in the report.

8. Consultation

8.1 Members will carry out an interview process and that panel will make a recommendation to full council. Applications will be received following publicity.

9. Community Impact and Corporate Risks

9.1 There are significant risks if the Council does not have Independent Persons as several relevant statutory and Constitutional duties relating to Conduct investigations would be incapable of being performed.

10. Other Implications

Are there any implications for the following?

If you tick "Yes", list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9

	Yes	No
Crime and Disorder The Council has a duty "to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area". Do the proposals in the report have any implications for increasing or reducing crime and disorder?		No
Climate Change and Biodiversity Are there any implications for the mitigation of/adaptation to climate change or biodiversity issues? If in doubt, seek advice from the Environmental Strategy Unit (ESU).		No
Human Rights and Equality Impact You should complete an Equality Impact Assessment when developing new services, policies		Not relevant

or projects or significantly changing existing ones. For more information, see Equalities FAQs and guidance on the intranet or contact Corporate Policy.		
Safeguarding and Early Help The Council has a duty to cooperate with others to safeguard children and adults at risk. Do these proposals have any implication for either increasing or reducing the levels of risk to children or adults at risk? The Council has committed to dealing with issues at the earliest opportunity, do these proposals have any implication in reducing or increasing demand on Council services?		No
General Data Protection Regulations (GDPR) Does the subject of the report have significant implications for processing data likely to result in a high risk to the rights and freedoms of individuals? Processing that is likely to result in a high risk includes (but is not limited to): <ul style="list-style-type: none"> • systematic and extensive processing activities and where decisions that have legal effects – or similarly significant effects – on individuals. • large scale processing of special categories of data or personal data relation to criminal convictions or offences. • Any larger scale processing of personal data that affects a large number of individuals; and involves a high risk to rights and freedoms eg based on the sensitivity of the processing activity. • large scale, systematic monitoring of public areas (including by CCTV). Note - If a high risk is identified a Privacy Impact Assessment must be provided to the Data Protection Officer.		No
Health and Wellbeing The Council has made a commitment to 'help our communities be healthy and active'. You should consider both the positive and negative impacts of your proposal on the health and wellbeing of communities and individuals living and working in the district. Is your proposal likely to impact positively or negatively on certain groups and their ability to make healthy choices, for example low income families, carers, older people/children and young people. Are there implications that impact on areas of the district differently? eg the rural areas or those wards where health inequalities exist. If in doubt ask for advice from the Health and Wellbeing team.		No
Other (please specify)		

11. Appendices

11.1 None

12. Background Papers

None