

# Chichester District Council

FULL COUNCIL

20 JULY 2021

## Independent Persons

### 1. Contacts

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### 2. Recommendation

**That Council:**

**2.1 Note that the Standards Committee have completed their interview and consideration process and recommend the appointment of two persons to Council as Independent Persons.**

**2.2 That Council appoint those persons as Independent Persons as provided for under the Council Constitution.**

### 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. 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 additional 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 standards 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 One of the currently authorised Independent persons contacted the Council to advise he wishes to step down from his position. He was warmly thanked by Standards Committee for his work in that post. The remaining Independent person, Mr. Plytas, remains in post.

5.4 A process to advertise for persons interested in being Independent Persons was followed. That process included an advert on the Council’s website and in “Initiatives” magazine. Two applicants were interviewed and whilst initially the panel was intending to recommend only one person, following the process both are recommended by the appointment panel – Mr Thompson and Mr. Andrews. Each brings significant governance and standards knowledge. This outcome is supported by the Monitoring Officer and does increase resilience of the standards function.

**6. Alternatives that have been considered**

6.1 The Council is required to have at least two Independent Persons

**7. Resource and legal implications**

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

**8. Consultation**

8.1 This is entirely a matter for Members. Standards Committee undertook an interview process and the posts were advertised publically.

**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**

<b>Are there any implications for the following?</b>		
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
<b>Crime &amp; Disorder:</b> 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		X

reducing crime and disorder?		
<b>Climate Change and Biodiversity:</b> 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).		X
<b>Human Rights and Equality Impact:</b> You should complete an Equality Impact Assessment when developing new services, policies or projects or significantly changing existing ones. For more information, see Equalities FAQs and guidance on the intranet or contact Corporate Policy.		X
<b>Safeguarding and Early Help:</b> 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?		X
<b>General Data Protection Regulations (GDPR):</b> 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"> <li>• systematic and extensive processing activities and where decisions that have legal effects – or similarly significant effects – on individuals.</li> <li>• large scale processing of special categories of data or personal data relation to criminal convictions or offences.</li> <li>• Any larger scale processing of personal data that affects a large number of individuals; and involves a high risk to rights and freedoms e.g. based on the sensitivity of the processing activity.</li> <li>• large scale, systematic monitoring of public areas (including by CCTV).</li> </ul> Note - If a high risk is identified a Privacy Impact Assessment must be provided to the Data Protection Officer.		X
<b>Other (Please specify):</b> eg health and wellbeing		NONE

## 11. Appendices

11.1 None.

## 12. Background Papers

12.1 None.