



<b>Report To:</b>	Council
<b>Date:</b>	5 <sup>th</sup> March 2025
<b>Subject:</b>	Appointment of Independent Persons
<b>Purpose:</b>	To consider the appointment of Independent Persons
<b>Key Decision:</b>	N/A
<b>Portfolio Holder:</b>	Councillor Leyland, Leader of the Council
<b>Report Of:</b>	John Medler, Assistant Director of Governance and Monitoring Officer
<b>Report Author:</b>	Alison Sparks, Legal Manager
<b>Ward(s) Affected:</b>	All
<b>Exempt Report:</b>	No

### **Summary**

This report seeks councillors' approval for the appointment of two Independent Persons.

### **Recommendations**

That the Council:

1. With immediate effect appoints Amanda Boustred and David Irvine as the Council's Independent Persons and that they be appointed to the Council's Independent Panel.
2. Approves that an Independent Person receive an annual allowance of £1,200 per annum.

### **Reasons for Recommendations**

To comply with legislative requirements and support standards arrangements.

## **Other Options Considered**

Appoint 1 Independent Person – not recommended as this can create resilience issues.

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## **1. Background**

- 1.1 The Localism Act 2011 places a duty on the Council to promote and maintain high standards of conduct for elected and co-opted members. This includes a requirement for the Council to have a code of conduct with which all members must comply and have arrangements in place to deal with complaints regarding breaches of the code. The Council also has a requirement to deal with complaints regarding breaches of Codes of Conduct received against Town and Parish Councillors.
- 1.2 The Act provides that the Council must appoint at least one Independent Person to help with any such complaints.
- 1.3 An Independent Person has the following functions:
  - They must be consulted by the Council before it makes a finding as to whether a member has failed to comply with the code of conduct following investigation or decides on action to be taken in respect of that member;
  - They may be consulted by the Council in respect of a standards complaint at any other stage; and
  - They may be consulted by a member or a co-opted member of the Council against whom a complaint has been made.
- 1.4 Regulations also require the Council to establish a panel of at least two Independent Persons appointed by itself or another authority under the Act to advise it in considering a decision relating to the dismissal of any of its statutory officers – i.e. the Head of Paid Service, Monitoring Officer or Chief Finance Officer (Section 151 Officer).
- 1.5 In order to be independent for these purposes an appointee must not:-
  - be or have been in the previous five years a member, co-opted member or officer of the Council; or
  - a relative or close friend of such a person
- 1.6 A person cannot be appointed as an Independent Person unless the vacancy has been advertised, the person submitted an application to fill the vacancy and the person's appointment has been approved by a majority of the members of the Council.

## **2. Report**

- 2.1 Following the resignation of the previous Independent Person the Council needs to appoint to the position of Independent Person. A recruitment exercise in compliance

with the 2011 Act has been carried out, four applications were received, and interviews were conducted by the Monitoring Officer and Legal Manager in February 2025.

2.2 As a result, the Monitoring Officer is in a position to recommend two people for the role of Independent Person and has put forward the names of Amanda Boustred and David Irvine. Details of both candidates are attached at Appendix 1 to this report.

2.3 The appointment of two Independent Persons will ensure that the Council is able to fulfil its responsibilities under both the Act and the Regulations and will provide resilience in the event of one of the Independent Persons being unavailable.

2.4 The Council has previously established an Independent Panel. Its membership includes the Independent Person of this Council appointed under section 27 of the Localism Act 2011 together with the Independent Person appointed by South Holland District Council and Boston Borough Council under the same statutory provision. In line with legislation it is recommended that both Amanda Boustred and David Irvine now be appointed to serve on the Independent Panel.

2.5 In line with practice across the sector, it is recommended that the role of Independent Person be remunerated to reflect the need for appointees to provide advice and to recognise the responsibilities of the role.. Under the 2011 Act the person's independence is not undermined by the fact that a payment is made.

### **3. Conclusion**

3.1. Council must appoint at least one Independent Person to support its arrangements for dealing with standards matters. There is currently one vacancy for the role with 'cover' being provided on a temporary basis until the conclusion of the recruitment process by a reserve Independent Person. The appointment of two suitable persons will support the Council to comply with legislative requirements and support its standards arrangements.

### **Implications**

#### **South and East Lincolnshire Councils Partnership**

None

#### **Corporate Priorities**

None

#### **Staffing**

None

#### **Workforce Capacity Implications**

None

## **Constitutional and Legal Implications**

The Council's statutory obligations in relation to the appointment of Independent Persons are set out in the Report.

The appointment of the two Independent Persons in accordance with the recommendation will ensure that the Council is compliant with its obligations.

Appointment requires approval by a majority of the Council's members and therefore this is a decision for full Council.

## **Data Protection**

The Independent Persons will receive training including on confidentiality and the use of Personal Data whilst performing their duties. They will not have direct access to the Council's data.

## **Financial**

The report recommends an allowance be payable to each Independent Person of £1,200 per annum. This will be paid monthly and the costs of which can be contained within revenue budget.

Travelling expenses are paid in accordance with HMRC rates.

## **Risk Management**

If the Council does not make appointments it will not be compliant with legislation.

## **Stakeholder / Consultation / Timescales**

No consultation undertaken.

## **Reputation**

None.

## **Contracts**

None.

## **Crime and Disorder**

None.

## **Equality and Diversity / Human Rights / Safeguarding**

None.

## **Health and Wellbeing**

None.

## **Climate Change and Environment Impact Assessment**

None.

## **Acronyms**

None.

## **Appendices**

Appendices are listed below and attached to the back of the report:

Appendix 1	Details of persons recommended for appointment as Independent Persons.
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## **Background Papers**

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

## **Chronological History of this Report**

A report on this item has not been previously considered by a Council body.

## **Report Approval**

Report author:	Alison Sparks, Legal Manager & Deputy Monitoring Officer. <a href="mailto:Alison.Sparks@e-lindsay.gov.uk">Alison.Sparks@e-lindsay.gov.uk</a>
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Signed off by:	John Medler, Assistant Director Governance & Monitoring Officer. <a href="mailto:John.Medler@e-lindsey.gov.uk">John.Medler@e-lindsey.gov.uk</a>
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