

**North East Derbyshire District Council**

**Annual Council**

**20 May 2019**

**Appointment of Independent Person**

**Report of the Joint Head of Corporate Governance and Monitoring Officer**

This report is public

**Purpose of the Report**

- To appoint Graham Hudson to the position of Independent Persons to assist the standards process for a period of 4 years.

**1 Report Details**

- 1.1 The Localism Act 2011 required the Council to appoint Independent Persons who must be consulted by the Authority before a decision is taken on a complaint against a member and who may be consulted by the member and at any other time by the Authority.
- 1.2 In addition the Independent person may also be involved in any disciplinary action against any of the three statutory officers, those being the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.
- 1.3 To be appointed, an Independent Person must go through a recruitment process and not have been a member, co-opted member or officer of the authority or a parish council in the District or be a relative or close friend of any such person. They also cannot have been a member or officer of the District or Parish Council in the last five years.
- 1.4 The Council appointed Mr Ian Daines and Mr Stuart Hooton in July 2012, their terms of appointment were later extended to the end of May 2019.
- 1.5 Mr Stuart Hooton has confirmed he would like to extend his appointment and Council approved an extension of contract until March 2023 on 18<sup>th</sup> February 2019. Mr Ian Daines has indicated that he does not wish to renew his term, and a decision was taken by Council on 18<sup>th</sup> February 2019 to go out to advertise for another Independent Person.
- 1.6 The position was advertised with 6 applications being received. 5 Interviews have taken place. After careful consideration and evaluation it was decided that Graham Hudson was the successful candidate

## **2 Conclusions and Reasons for Recommendation**

- 2.1 It is considered that that two Independent Persons are required. Mr Hooton has been with the Council for 2 terms and is an experienced Independent Person and a decision has been approved previously by Council that his employment be extended and following a successful recruitment exercise Mr Graham Hudson should be appointment to the second position.

## **3 Consultation and Equality Impact**

- 3.1 The Independent Persons have been consulted, Mr Hooton has expressed a wish to be reappointed, Mr Daines does not.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 The Council could consider the option of reducing the number of Independent Persons employed by the Council to one. However having two allows the Council to use the Independent Persons at different stages of the complaints process. It also provides breadth of experience and ensures continuity in case of sickness, annual leave or other non-availability.

## **5 Implications**

### **5.1 Finance and Risk Implications**

- 5.1.1 The cost of employing an Independent Person is approximately £800 per annum and is budgeted for.

### **5.2 Legal Implications including Data Protection**

- 5.2.1 None.

### **5.3 Human Resources Implications**

- 5.3.1 These are outlined within the report.

## **6 Recommendations**

- 6.1 To appoint of Graham Hudson as Independent Person to assist with the Standards Process until the end of May 2023.

## 7 Decision Information

<p><b>Is the decision a Key Decision?</b>  A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  BDC: Revenue - £75,000 <input type="checkbox"/>  Capital - £150,000 <input type="checkbox"/>  NEDDC: Revenue - £100,000 <input type="checkbox"/>  Capital - £250,000 <input type="checkbox"/>  <input checked="" type="checkbox"/> Please indicate which threshold applies</p>	No
<p><b>Is the decision subject to Call-In?</b>  (Only Key Decisions are subject to Call-In)</p>	No
<p><b>District Wards Affected</b></p>	N/A
<p><b>Links to Corporate Plan priorities or Policy Framework</b></p>	N/A

## 8 Document Information

Appendix No	Title
<p><b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
Report Author	Contact Number
V Dawson	2231