

## **Paper B - Appointment of an Independent Person**

Lead Officer: David Clark, – Service Director – Governance, Democratic and Legal Services and Monitoring Officer

Division and Local Member: All

Author: Scott Wooldridge – Head of Governance and Democratic Services

Contact Details: [scott.wooldridge@somerset.gov.uk](mailto:scott.wooldridge@somerset.gov.uk)

### **1. Summary**

- 1.1 This report sets out the proposed appointment of Lorraine Davey as an Independent Person. Lorraine Davey is currently a Reserve Independent Person for Somerset Council.

### **2. Recommendations**

#### **2.1 The Council is recommended to :**

- i) agree the appointment of Lorraine Davey as an Independent Person; and**
- ii) agree that the two Reserve Independent Person roles remain vacant until such time as the Monitoring Officer decides that recruitment is needed.**

### **3. Background**

- 3.1 Section 28 of the Localism Act 2011 requires Councils to have arrangements in place to investigate and make decisions on allegations that a Councillor has breached the Code of Conduct. The arrangements to make decisions on allegations must include provision for the appointment of one or more “Independent Person”.

In March 2023, the Council appointed three Independent Persons and two Reserve Independent Persons. At that time, there was the potential that three Independent Persons may not provide a sufficient level of resource and therefore the two Reserve Independent Persons was a mitigation.

During late 2023, one Independent Person and one Reserve Independent Person have resigned from their roles. Experience to date has shown that

three Independent Persons should be sufficient to support the Council during 2024.

It is proposed that the remaining Reserve Independent Person, Lorraine Davey, is appointed to the vacant Independent Person role.

This will leave two vacant Reserve Independent Person roles. It is recommended that the Reserve Independent Person roles remain vacant as the three Independent Persons should be sufficient during 2024. This position will be kept under review by the Monitoring Officer.

#### **4. Implications**

##### **4.1 Legal** – the Council must appoint at least one Independent Person in accordance with Section 28 of the Localism Act 2011.

There is also a mandatory requirement introduced under the Employment Procedure Amendment Regulations 2015 to invite at least two independent persons to join a panel set up to consider the dismissal of statutory officers.

The appointment of an Independent Person must be approved by a majority of the members of the authority.

Financial – The Council agreed in November 2022 that each Independent Person would be paid an annual allowance of £ 1,000 per annum. The two vacant Reserve Independent Person roles will provide a saving of £600 per annum. The allowances paid to the three Independent Persons can be met by the Governance, Legal and Democratic Services Budget for 2024/25.

#### **5.1**

##### **Background Papers**

Localism Act 2011

Council's Constitution – Independent Persons Protocol

SCC Full Council March 1 2023 Agenda Item 6 – Report of the Monitoring Officer (Paper 4) – Appointment of Independent Persons