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NON-EXEMPT

# EAST HAMPSHIRE DISTRICT COUNCIL

Council

23 September 2021

## Appointment of Independent Persons

### FOR RECOMMENDATION

Portfolio Holder: Cllr Nick Drew

Key Decision: No

Report Number: *EHDC/020/ 2021*

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#### 1. Purpose

- 1.1. Following Standards Committee on 07 September 2021, this report is to enable Council to appoint Independent Persons and an Independent Remuneration Panel in accordance with statutory provisions. Section 28(8) (c)(iii) Localism Act 2011 requires the appointment of Independent Persons to be “approved by a majority of the members of the authority”.

#### 2. Recommendation

- 2.1. Members are requested to:
- a. note the recruitment process of the Independent Persons (IPs)
  - b. to recommend Full Council approve the appointment of Mr Andrew Kirk, Mr David Heck and Mr Peter Moore as Independent Persons as selected by the interview panel and detailed in this report

#### 3. Executive Summary

- 3.1. Under the provisions of the Localism Act 2011, the Council is required to appoint at least one Independent Person to assist the Council in promoting and

maintaining high standards of conduct amongst its elected members and town and parish councillors.

3.2. The Local Authorities (Members' Allowances) (England) Regulations 2003 requires an Authority to establish and implement a scheme which provides for the payment of allowances in accordance with the Regulations. To do this, the Councils must establish an Independent Remuneration Panel.

3.3. The councils' Independent Persons will be appointed to work across both East Hampshire District Council and Havant Borough Council and will be consulted on the decision to investigate complaints and will form the Independent Remuneration Panel.

#### **4. Additional Budgetary Implications**

None.

#### **5. Background and relationship to Corporate Strategy and/or Business Plans**

5.1. A review of IRP arrangements was required following resignation of members of the IRP and 2 IPs. This has provided an opportunity to combine the functions of the IP and IRP functions and necessitated the recruitment of new Independent Persons.

5.2. The councils Constitution Part 5 – Councillor Allowance Scheme, states that a new scheme must be adopted every four years, following a review from an Independent Remuneration Panel.

5.3. The councils Constitution Part 4, Section B – Code of Conduct for Councillors, states that the council will appoint at least one Independent Person, whose views must be sought by the Council before it takes a decision on an allegation which it has decided should be investigated, and whose views can be sought by the Council at any other stage.

5.4. A recruitment process was undertaken that consisted of:

- a. Advertisement on the council social media (Appendix A)
- b. Applicants were asked to complete and submit an application form, which was contained within the Application Pack (Appendix B).

The Application Pack contained:

- Person Specification
- Role Description
- Outline of reasons that persons would be disqualified from serving as an Independent Person
- Application Form
- Application Declarations

- c. Shortlisting was undertaken in line with the requirements of the role detailed in the Person Specification by:
- Jenni Harding, Democratic Services Team Leader
  - Mark Watkins, Interim Legal Team Manager
  - Daniel Toohey, Head of Legal Services
- d. Applicants were invited to interview. The interviews were conducted via Teams. The interview panel members were:
- Cllr Michael Wilson – Chair of Standards Committee for HBC
  - Cllr Malcolm Johnson – Chair of Standards Committee for EHDC
  - Daniel Toohey – Head of Legal Services
- e. The interview panel proposed the following 3 IPs be appointed:
- Andrew Kirk (re-appointed)
  - David Heck (new appointment)
  - Peter Moore (new appointment)

## **6. Options considered**

- 6.1. Option A – the appointment of the IPs as selected by the interview panel.
- 6.2. Option B – to undertake further recruitment. The proposed appointments as currently selected by the interview panel, was the result of 2 rounds of a recruitment process as detailed in 5.4 above.

## **7. Resource Implications**

- 7.1. Financial Implications
- 7.2. An annual stipend of £1,000 will be paid to each Independent Person to cover reimbursement of costs incurred undertaking the IP and IRP roles. It is anticipated that the total of £3,000 / annum will be met from existing budgets.

### **Section 151 Officer comments**

Date: 26 08 21

This is an independent recommendation with a small cost of £3,000/annum, therefore no budget implications currently. It is anticipated to be within budget.

#### 7.3. Human Resources Implications

There are no Human Resources Implications as an Independent Person is a voluntary role.

#### 7.4. Information Governance Implications

All information related to the tasks undertaken by the IPs will be managed in line with information governance requirements by Legal and Democratic Services in order to protect any personal / confidential identifiable data.

#### 7.5. Links to Shaping our Future Programme

None.

#### 7.6. Other resource implications

None.

### **8. Legal Implications**

8.1. The council is required to appoint at least one IP and have an IRP in place.

### **Monitoring Officer comments**

Date: 26 08 21

The role of the independent person is a crucial element of the Council's governance processes. Previous independent persons have recently given notice of retirement and this recruitment exercise has been carried out to ensure that the Council has a full complement, to engage in and perform necessary tasks, and provide best practice governance for the organisation.

## **9. Risks**

Failure to have a IPs / IRP in place would result in:

- the councils' being in contravention of the Local Authorities (Members' Allowances) (England) Regulations 2003
- the councils' being unable to undertake a timely independent review of councillor allowances as required by the Constitution
- the councils' being in contravention of the Localism Act 2011

## **10. Consultation**

10.1. This process has been undertaken in consultation with:

- Legal Services
- Democratic Services
- Relevant statutory guidance
- Chairs of Standards Committees at both EHDC and HBC

A report will be submitted for Full Council approval in September 2021.

## **11. Communication**

No wider communication will be needed other than Full Council approval.

## **12. Appendices**

12.1. Appendix A – Advert  
Appendix B – Application Pack

## **13. Background papers**

13.1. As above in item 12.

Agreed and signed off by:

Portfolio Holder: Cllr Nick Drew – 27 08 21

Director: Lydia Morrison – 27 08 21

Monitoring Officer: Daniel Toohey - 26 08 21

Section 151 Officer: Matthew Tiller – 26 08 21

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