

STROUD DISTRICT COUNCIL

COUNCIL

THURSDAY, 28 APRIL 2022

Report Title	Appointment of Independent Persons			
Purpose of Report	To appoint Independent Persons as required by the Localism Act 2011.			
Decision(s)	The Council RESOLVES to appoint John Acton, Phyllida Pyper, and Adrian Stratton as Independent Persons for an initial period of 2 years until the Annual Meeting of the Council in May 2024, when the appointments may be reviewed and extended for a further 2 years by agreement between the Council and the Independent Person.			
Consultation and Feedback	The Group Leaders have been consulted as to any potential conflict with any known political activities of the proposed appointees.			
Report Author	Stephen Taylor, Monitoring Officer Email: stephen.taylor@stroud.gov.uk			
Options	It is a statutory requirement for the Council to appoint an independent person. It is a matter for the Council as to who it appoints and the number of Independent Persons appointed.			
Background Papers	There are none as all relevant information is already publicly available.			
Appendices	There are none			
Implications (further details at the end of the report)	Financial	Legal	Equality	Environmental
	Yes	Yes	No	No

1. INTRODUCTION

- 1.1 Under the provisions of the Localism Act 2011 ('the Act'), the Council is required to appoint at least one Independent Person to assist the Council in promoting and maintaining high standards of conduct amongst all its members and the towns and parishes within the District. Section 28 outlines the relevant requirements in relation to the adoption of a Code of Conduct and section 28(7) in particular refers to the role of the Independent Person.
- 1.2 In summary, under the Act, the Independent Person's views "are to be sought, and taken into account, by the Authority before it makes its decision on an allegation that it has decided to investigate" and the Independent Person's views **may** be sought by the Authority in any other circumstances, or by a member of the council or a town/parish councillor in the district who has had a complaint made against them.
- 1.3 Subsequently, in 2015, the role of the Independent Person was widened to require the involvement of at least two Independent Persons in any Panel formed to consider the dismissal of any of the three statutory officers, those being the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.

2. CURRENT POSITION

- 2.1 The Council currently has two Independent Persons in post, John Acton and Phyllida Pyper, and they have been in that role since 2013. Accordingly, it has been considered appropriate to review that mandate and, for continuity and succession purposes, to consider appointing a third Independent Person.
- 2.2 The Act requires the Council to advertise the positions, and this has been done resulting in 6 applications. Three were particularly strong. John Acton and Phyllida Pyper have previously been appointed by the Council and are the current Independent Persons, and Adrian Stratton is a retired police officer who has served 30 years in the Gloucestershire Constabulary. Mr Stratton has received a number of Chief Constable and Crown Court awards and was also an independent candidate for the role of Police and Crime Commissioner at the recent election.
- 2.3 The candidates were interviewed by a Panel comprising the Chair and Vice Chair of the Audit and Standards Committee together with the Monitoring Officer. The Panel recommends to Council that all three be appointed; namely, John Acton, Phyllida Pyper and Adrian Stratton.
- 2.4 So far as the length of the appointment is concerned, it is possible to have staggered terms so that the terms of office do not all expire at the same time. For the sake of simplicity, however, and bearing in mind that one of the proposed appointees would be new in role, it is suggested that the appointments be for an initial period of 2 years until the Annual Meeting of the Council in May 2024, when the appointments may be reviewed and extended for a further 2 years which would then match the term of office of members of the Council.

3. CONCLUSION

- 3.1 Accordingly, it is recommended that Council appoints John Acton, Phyllida Pyper, and Adrian Stratton as Independent Persons for an initial period of 2 years until the Annual Meeting of the Council in May 2024, when the appointments may be reviewed and extended for a further 2 years by agreement between the Council and the Independent Person.

4. IMPLICATIONS

4.1 Financial Implications

An annual allowance of £1,000 plus expenses is payable to an Independent Person. There are currently two Independent Persons in place. The proposal to appoint a third Independent Person would result in a further allowance being payable which it is intended will be accommodated within existing budgets.

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4.2 Legal Implications

The Council is required to appoint at least one Independent Person by virtue of s28 of the Localism Act 2011. That section also defines the role of the Independent Person. The appointment must be approved by a majority of the members of the Council.

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4.3 Equality Implications

An EIA is not required because there are not any specific changes to service delivery proposed within this decision.

4.4 Environmental Implications

There are no significant implications within this category.