

Bolsover District Council

Council

8 September 2021

Appointment of Independent Person

Report of the Joint Head of Corporate Governance and Monitoring Officer

Classification: This report is public

Report By: Governance Manager, Nicola Calver

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PURPOSE / SUMMARY

To advise Members of the expiry date of Ian Kirk's appointment as an Independent Person for the Council and to recommend his reappointment to the position of Independent Persons to assist the standards process for a further period of 4 years.

RECOMMENDATIONS

1. To appoint Ian Kirk as an Independent Person to assist with the Standards Process until the end of September 2025.

Approved by the Portfolio Holder – Corporate Governance

IMPLICATIONS

Finance and Risk: Yes No

Details:

The cost of employing an Independent Person is approximately £800 per annum and is covered within existing budgets.

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

Section 28(7) of the Localism Act 2011 requires the appointment of Independent Persons.

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

None

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? 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	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	N/A
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	No Details: -

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.

Good Governance

REPORT DETAILS

1 Background

- 1.1 The Localism Act 2011 requires 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 Persons 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 Ian Kirk at the Meeting of Council in September 2017 after a recruitment process to this role for a four year term, which is due to expire on 14th September 2021.

2. Details of Proposal or Information

- 2.1 It has been considered, in the Monitoring Officer's opinion, that Mr Ian Kirk continues to be an ideal candidate for the role, and on that basis, should be offered a further term of engagement to carry out this service to the Authority.
- 2.2 Should this be accepted, Bolsover District Council would make the appointment for a further four years.

3 Reasons for Recommendation

- 3.1 It is considered that that two Independent Persons are required to provide resilience and impartiality. Mr Kirk is an ideal person to undertake this one of these appointments for the Council.

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.
- 4.2 The Council could request for the Monitoring Officer to allow the expiry of the term of office and instruct recruitment of a new Independent Person. It is felt that this would be unnecessary due to the calibre of the current appointee.

DOCUMENT INFORMATION

Appendix No	Title
N/A	-
Background Papers (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)	
N/A	