

BOLSOVER DISTRICT COUNCIL

Meeting of Council on 8th October 2025

Appointment of Independent Persons

Report of the Director of Governance and Legal Services & Monitoring Officer

Classification	This report is Public
Contact Officer	Jim Fieldsend, Director of Governance and Legal Services & Monitoring Officer

PURPOSE/SUMMARY OF REPORT

To approve the appointment of two additional Independent Persons.

REPORT DETAILS

1. Background

- 1.1 Localism Act 2011 places a duty on the Council to promote and maintain high standards of conduct for elected and co-opted members. This includes a requirement for the Council to have a code of conduct with which all members must comply and have arrangements in place to deal with complaints regarding breaches of the code. The Council also has a requirement to deal with complaints regarding breaches of Codes of Conduct received against Town and Parish Councillors.
- 1.2 The Act provides that the Council must appoint at least one Independent Person to help with any such complaints.
- 1.3 An Independent Person has the following functions:
 - They must be consulted by the Council before it makes a finding as to whether a member has failed to comply with the code of conduct following investigation or decides on action to be taken in respect of that member;
 - They may be consulted by the Council in respect of a standards complaint at any other stage; and
 - They may be consulted by a member or a co-opted member of the Council against whom a complaint has been made
- 1.4 In order to be independent for these purposes an appointee must not:-

- be or have been in the previous five years a member, co-opted member or officer of the Council; or
- a relative or close friend of such a person.

1.5 The Independent Person will also discharge the functions of a panel established by the Local Authority (Standing Orders) (England) (Amendment) Regulations 2015 giving advice/views/recommendations to Council before it decides to dismiss any of its Statutory Officers.

1.6 A person cannot be appointed as an Independent Person unless the vacancy has been advertised, the person submitted an application to fill the vacancy and the person's appointment has been approved by the Council.

1.7 Up until the end of September the Council had two Independent Persons however one of the Independent Persons submitted his notice following 8 years in the role and his term ended on 30th September.

2. Details of Proposal or Information

2.1 A recruitment exercise in compliance with the 2011 Act has been carried out and five applicants were interviewed by the Monitoring Officer and Governance and Civic Manager in September 2025.

2.2 Standards Committee has previously recommended that the Council appoint up to three Independent Persons (September 2023). As a result, the Monitoring Officer is in a position to recommend two people for the role of Independent Person and has put forward the names of Melvin Kenyon and Alistair Davies. Details of both candidates experience and relevant expertise/skills are attached at Appendix 1 to this report. In addition, extremely favourable references for both Melvin and Alistair have been provided.

2.3 The appointment of two further Independent Persons will ensure that the Council is able to fulfil its responsibilities under both the Act and the Regulations and will provide resilience if the any of the Independent Persons being unavailable or if there is a conflict.

3. Reasons for Recommendation

3.1 Council must appoint at least one Independent Person to support its arrangements for dealing with standards matters. There is currently one person undertaking that role however the appointment of two suitable persons will support the Council to comply with legislative requirements and support its standards arrangements.

4 Alternative Options and Reasons for Rejection

4.1 Not to appoint further Independent Persons. It is good practice to have more than one Independent Person and due to the level of complaints received recently having three Independent Persons will provide resilience where one or two of the Independent Persons is unavailable or where there are conflicts of interest.

RECOMMENDATION(S)

1. That Council appoints Melvin Kenyon and Alistair Davies as Independent Persons.

Approved by Councillor Donna Hales, Deputy Leader & Portfolio Holder
for Corporate Governance

<u>Finance and Risk</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Details: An allowance of £800 per annum is paid to each Independent Person. On behalf of the Section 151 Officer		
<u>Legal (including Data Protection)</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Details: Localism Act 2011 requires the appointment of an Independent Persons The Local Authorities (Standing Orders)(England) (Amendment) Regulations 2015 require a panel advising the Council on the dismissal of a statutory officer to consist of at least two Independent Persons. On behalf of the Solicitor to the Council		
<u>Staffing</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Details: There are no staffing implications arising from this report. On behalf of the Head of Paid Service		
<u>Equality and Diversity, and Consultation</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Details: There are no Equality and Diversity, and Consultation implications arising from this report.		
<u>Environment</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment. Details: There are no Environmental implications arising from this report.		

DECISION INFORMATION

<input checked="" type="checkbox"/> Please indicate which threshold applies:	
Is the decision a Key Decision? A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or (b) Results in the Council incurring Revenue Expenditure of £75,000 or more.	(a) <input type="checkbox"/> (b) <input type="checkbox"/>
Capital (a) Results in the Council making Capital Income of £150,000 or more or (b) Results in the Council incurring Capital Expenditure of £150,000 or more.	(a) <input type="checkbox"/> (b) <input type="checkbox"/>
District Wards Significantly Affected: <i>(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)</i> Please state below which wards are affected or tick All if all wards are affected: None.	All <input type="checkbox"/>

Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, is the call-in period to be waived in respect of the decision(s) proposed within this report? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Consultation carried out: <i>(this is any consultation carried out prior to the report being presented for approval)</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Leader <input checked="" type="checkbox"/> Deputy Leader <input checked="" type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/>	
Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	

Links to Council Ambition: Customers, Economy, Environment, Housing

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DOCUMENT INFORMATION	
Appendix No	Title
1	Details of Independent Persons' experience and skill

Background Papers
<i>(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 Executive you must provide copies of the background papers).</i>
None.