

REPORT OF THE
Conduct Advisory Panel
PART I

**308. LOCALISM ACT 2011: NEW STANDARDS ARRANGEMENTS -
APPOINTMENT OF INDEPENDENT PERSONS**

1. Revised provisions in respect of Standards Arrangements are set out in Chapter 7 and Schedule 4 of the Localism Act 2011 ('the Localism Act'), implemented on 1 July 2012. By virtue of Section 28 (7) of the Localism Act the County Council is required to appoint at least one Independent Person, whose views must be sought and taken into account before any decision is made on any allegation which the County Council has decided to investigate, and whose views may be sought by the County Council in relation to an allegation in any other circumstances, or by a Member or Co-opted Member of the County Council against whom an allegation has been made.

2. The Localism Act requires that any vacancy for an Independent Person must be advertised and that there should be a formal recruitment process. Approval of the appointment of an Independent Person is required to be done by full Council.

3. The County Council at its meeting on 17 May 2012 delegated authority to the Conduct Advisory Panel to assist in the recruitment of an Independent Person and to make recommendations to the County Council on any such appointment.

4. Members of the Conduct Advisory Panel met on 4 September 2012 to interview short-listed applicants for the position of Independent Person, following the placing of advertisements inviting interested persons with relevant backgrounds to come forward.

Appointment of Independent Persons

5. After full and detailed consideration of the matter the Conduct Advisory Panel considered that to avoid any conflict of interest in an Independent Person advising both the County Council and a Member or Co-opted Member of the County Council against whom an allegation has been made, and to avoid any difficulties in case of unavailability, that three appointments should be made.

6. Mrs Gulshanah Choudhuri

Mrs Choudhuri is a qualified barrister and advocate specialising in Special Educational Needs law, and also has experience as a Committee Member of the Professional Conduct Committee for the Bar Standards Board.

7. Mr Michael Cronin

Mr Cronin is a retired Army Officer, is a previous Independent Member of Wiltshire County Council Standards Committee, and has experience in a number of voluntary roles.

8. Mr Martin James

Mr James is a retired human resources manager with extensive experience in the private sector in a variety of senior positions. Mr James is also a previous Independent Member and Chairman of the County Council's former Standards Committee.

Suggested Allowance and Term of Office of Independent Person(s)

9. Under the provision of the Localism Act the County Council may remunerate an Independent Person by way of allowances or expenses incurred in connection with performing the duties of the appointment. Remuneration of an Independent Person is outside the Members' Scheme of Allowances, as an Independent Person is not a Member or Co-opted Member of the County Council. It is therefore not necessary to seek the recommendations of the Independent Remuneration Panel in determining the remuneration of an Independent Person.

10. No specific period of office for an Independent Person is laid down in the Localism Act, other than in the case of previous Independent Members of a Standards Committee, where by Regulations appointment is restricted to a period expiring no later than 30 June 2013.

11. By virtue of previous provisions in respect of Standards Arrangements it was a legal requirement that a Standards Committee or Sub-Committee of Standards Committee must be Chaired by an Independent Member. Previously therefore Independent Members were appointed as both Chairman and Vice Chairman of the Standards Committee, and the remuneration paid in respect of each post was £2,025, and £1,449, per annum respectively. A basic allowance in the sum of £675, per annum plus expenses was paid to any other Independent Member of the Standards Committee.

12. However because the duties of an Independent Person under the Localism Act are quite different to the duties of an Independent Member of a Standards Committee and bearing in mind an Independent Person under the Localism Act will not be required to Chair any meeting of the Conduct Advisory Panel, it is suggested that suitable remuneration for the post of Independent Person might be the amount previously paid to Independent Members of the Standards Committee, other than the Chairman and Vice Chairman, but that this should be reviewed one year after appointment once the likely commitments of the position are better known.

13. Previous Independent Members of the Standards Committee were appointed for a term of office of four years to allow for continuity. It is suggested that a similar term of office of four years (save in the case of any previous Independent Members of the Standards Committee) should also apply to the Independent Persons appointed under the Localism Act.

RECOMMENDATIONS

That the County Council:

- (a) Appoint Mrs Choudhuri, Mr Cronin and Mr James to the position of Independent Person under the Localism Act
- (b) Agree an annual allowance in respect of remuneration of the position of Independent Person of £675, plus expenses, but that this should be reviewed after one year, once the likely commitments of the position are better known.
- (c) Agree the term of office for the position of Independent Person be four years, save in the case of Mr James, in which case the term of office should expire on 30 June 2013.

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