

# **AUDIT AND GOVERNANCE COMMITTEE – 15 March 2023**

## **RENEWAL OF THE APPOINTMENT OF INDEPENDENT PERSONS**

### **REPORT BY THE DIRECTOR OF LAW & GOVERNANCE AND MONITORING OFFICER**

#### **RECOMMENDATION**

- 1. The Committee is RECOMMENDED to receive notice of the extension of the appointment of Mr Martyn Hocking and Mr Nicholas Holt-Kentwell to the role of Independent Persons for Oxfordshire County Council for a second term of two years from 14 July 2022 to 13 July 2024.**

#### **EXECUTIVE SUMMARY**

- 2** The County Council must appoint one or more Independent Persons whose views are to be sought, and considered, by the authority before it makes its decision on an allegation that a councillor has breached the Members' Code of Conduct.
- 3** Independent Persons perform a key role in the Council's procedures for investigating any such complaints.
- 4** Council approved the appointment of Mr Hocking and Mr Holt-Kentwell on 14 July 2020 for two years, renewable once. In accordance with the terms of reference of the Committee to promote high standards of conduct by Councillors and Co-opted Members the Committee is recommended to consider this matter. This report recommends that the Committee notes the renewal of a second two-year term to 13 July 2024 in accordance with the decision made by Full Council on 14 July 2020.
- 5** The Localism Act 2011 requires that, prior to the appointment of any Independent Person, the position must have been advertised publicly and applications should have been received from them. Both Mr Hocking and Mr Holt-Kentwell were interviewed by the former Monitoring Officer and Principal Governance Officer at that time. Both candidates demonstrated at that time and remain committed to high standards of public service and therefore all the legal requirements of their appointment were met in 2020. Both Mr Hocking and Mr Holt-Kentwell have agreed to continue as Independent Persons until 13 July 2024.
- 6** An Independent Person appointed by the Council performs two important roles, under law.
- 7** To promote high standards of conduct by Councillors and Co-Opted Members.

#### **Members' Code of Conduct & Councillor Complaints Procedure**

- 8** The Council must seek the views of its Independent Persons before deciding any allegation investigated under the Member Code of Conduct.

9. The Independent Person may be consulted by:
  - a) The Council – normally through its Monitoring Officer – as part of the established complaints procedures for elected and co-opted members
  - b) The member or co-opted member who is the subject of an allegation.

## **Senior Officer – Dismissal Procedures**

10. The Independent Persons play a key role in the statutory processes for the dismissal of the three key statutory officers, (Head of Paid Service, Monitoring Officer and Chief Finance Officer). It is for Full Council to decide on any such dismissal. Before doing so, it needs to consult a Panel of at least two Independent Persons. There is an expectation that such Independent Persons will, if possible, be those appointed by the Council.
11. The role of the Independent Person in this context is advisory: the Panel will be responsible for giving Full Council any advice, views or recommendations as regards a proposed dismissal.

## **Recruitment and appointment**

12. Committee is being recommended to note the renewal of the appointment of Mr Martyn Hocking and Mr Nicholas Holt-Kentwell for a second term of two years.
13. Mr Hocking and Mr Holt-Kentwell both have experience as magistrates. Mr Hocking also has extensive service as an independent person on appeals panels for school admissions and home to school transport. Both demonstrate, and are committed to, high standards of conduct in public service. They are both experienced, impartial, and evidence-based decision makers.
14. The Monitoring Officer is satisfied that Mr Hocking and Mr Holt-Kentwell are appropriate persons to continue in this role.

## **FINANCIAL IMPLICATIONS**

15. The roles are voluntary and are not remunerated other than through a nominal £500 per annum allowance, if claimed. (The law is clear that any such allowance does not negate independence).

Comments checked by:

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## **LEGAL, EQUALITY & INCLUSION IMPLICATIONS**

16. The Council is required under the Localism Act 2011 to appoint Independent Persons to fulfil key aspects of the Council's governance as outlined in this report. As such, it is very important that the Council appoints more than one person so that the Council has access to more than one independent perspective. This also ensures continuity of procedure - should one Independent Person not be available.
17. The legal requirements for publicity and recruitment were followed prior to Full Council's agreement to the appointment of Mr Hocking and Mr Holt-Kentwell.

18. It was agreed at Full Council previously that the appointments be made for an initial period of two years, renewable once.

Comments checked by:

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Background papers: Nil

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