

## COUNCIL – 14 JULY 2020

### APPOINTMENT OF INDEPENDENT PERSONS

Report by the Monitoring Officer

#### RECOMMENDATION

**Council is RECOMMENDED to appoint Mr Martyn Hocking and Mr Nicholas Holt-Kentwell to the role of Independent Persons for Oxfordshire County Council for a period of two years, renewable once.**

#### Introduction

1. 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.
2. Independent Persons perform a key role in the Council's procedures for investigating any such complaints.
3. The Council currently has one Independent Person but it is prudent for more than one to be appointed. This report therefore recommends Council to make two additional appointments to this role.
4. This follows publication of the vacancies by the former Monitoring Officer, Nick Graham, and interviews by him with both candidates. Mr Graham, prior to his departure, was satisfied that both persons recommended in this report meet the requirements of an 'Independent Person'. This meeting provides the first opportunity to put the recommendation to Full Council following the Covid-19 outbreak.

#### Role of independent person

5. An Independent Person appointed by the Council performs two important roles, under law.

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

6. The Council must seek the views of its Independent Persons before deciding any allegation investigated under the Member Code of Conduct.
7. The Independent Person may be consulted by:

- The Council – normally through its Monitoring Officer – as part of the established complaints procedures for elected and co-opted members
- The member or co-opted member who is the subject of an allegation.

### ***Senior Officer – Dismissal Procedures***

8. 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.
9. 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**

10. Full Council is being recommended to appoint Mr Martyn Hocking and Mr Nicholas Holt-Kentwell. 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. I can confirm that these requirements have been met.
11. Both Mr Hocking and Mr Holt-Kentwell were interviewed by the former Monitoring Officer, Nick Graham and Glenn Watson, the Principal Governance Officer.
12. 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.
13. The former Monitoring Officer was satisfied, as am I, that Mr Hocking and Mr Holt-Kentwell are appropriate persons to fulfil this role. If appointed by Full Council, they will join our existing Independent Person, Dr Sadie Reynolds (appointed in December 2015).
14. 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).

### **Legal, financial and other procedural implications**

15. 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.

16. The legal requirements for publicity and recruitment have been followed. It remains with Full Council to determine any such appointment.
17. It is suggested that the appointments be made for an initial period of two years, renewable once. The Committee on Standards in Public Life has recommended that such an arrangement become statutory for two reasons: to provide stability of tenure and to create the flexibility of refreshing that tenure periodically. Although this has not been enacted, Full Council may wish to adopt this practice in any case. There are no financial implications other than those mentioned in paragraph 14.

### **Conclusion**

18. Full Council is asked to appoint Mr Martyn Hocking and Mr Nicholas Holt-Kentwell to the role of Independent Persons for the Council for a period of two years, renewable once.

**STEVE JORDEN**  
Monitoring Officer

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