

Divisions affected – All

COUNCIL

9 JULY 2024

INDEPENDENT PERSONS

Report of the Director of Law & Governance and Monitoring Officer

RECOMMENDATION

1. Council is RECOMMENDED

To extend the appointments of Mr Martyn Hocking and Mr Nicholas Holt-Kentwell in the role of Independent Persons for Oxfordshire County Council until 30 November 2024.

Background

2. The Council must seek the views of an Independent Person, and take them into account, before making its decision on any allegation investigated under the Member Code of Conduct.
3. As part of the 'arrangements for dealing with complaints against members' adopted by Council on 16 April 2024, the Monitoring Officer reviews complaints received. Following consultation with the Independent Person, the Monitoring Officer makes a decision on the action to be taken: refer the complaint for local resolution, refer the complaint for investigation or to take no further action.
4. In the event that the Council was to consider the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer, it must 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. The Panel gives full Council any advice, views or recommendations relating to a proposed dismissal.

Present arrangements

5. The Council currently has two Independent Persons, Mr Martyn Hocking and Mr Nicholas Holt-Kentwell, who were appointed by Council on 14 July 2020 for a two-year term. These appointments were renewed for a further two-years and will end on 13 July 2024. Both Mr Hocking and Mr Holt-Kentwell have indicated that they are prepared to continue in their roles until 30 November 2024.
6. Mr Hocking and Mr Holt-Kentwell have experience as Magistrates. Both demonstrate, and are committed to, high standards of conduct in public service. They are both experienced, impartial, and evidence-based decision makers.

Recruitment campaign

7. The Council has launched a recruitment campaign for the appointment of Independent Persons. To allow sufficient time to publicise and recruit into these

roles it is proposed that the appointments of Mr Hocking and Mr Holt-Kentwell are extended until 30 November 2024.

8. The role has been advertised in such manner as the authority considers is likely to bring it to the attention of the public. The campaign has reached out to community groups, sports clubs, as well as other local authorities, including parish and town councils. The role has been published on the Council's website (see Annex 1) and there will be coverage through social media channels.
9. Interviews with interested persons will be undertaken by the Monitoring Officer, the Chair and Deputy Chair of the Audit and Governance Committee or other members of the committee as required.

Legal implications

10. The Council is required under Section 28(7) of the Localism Act 2011 to appoint Independent Persons to fulfil key aspects of the Council's governance as outlined in this report. An Individual cannot be appointed as an Independent Person if they are:
 - a) An elected member, co-opted member or an officer of the Council, or any other council within the county area, or have been so within the past five years.
 - b) The relative or close friend of a member, co-opted member or office of the Council, or any other council within its district.
 - c) A member of a political party or politically active
11. The role of Independent Persons in relation to the dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer arises from the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

Comments checked by – Anita Bradley, Director of Law & Governance and Monitoring Officer

Financial implications

12. Whilst the roles are voluntary and are not remunerated, an Independent Person is entitled to claim a nominal allowance of £500 per annum.

Comments checked by: Ian Dyson, Director of Financial and Commercial Services, ian.dyson@oxfordshire.gov.uk

Equality and diversity implications

13. The recruitment campaign is intended to draw interest from a wider range of people living and working in Oxfordshire and neighbouring areas.

Anita Bradley

Director of Law & Governance and Monitoring Officer

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July 2024



OXFORDSHIRE COUNTY COUNCIL

Are you fair-minded, impartial and a good communicator?

Can you reach independent conclusions based on the facts?

Can you bring a measure of experience and common sense to handling complex and sometimes contentious issues?

Oxfordshire County Council needs 'Independent Persons' to help the Monitoring Officer with councillor standards work. If you care about high standards in public life and local governance, you may be a good fit for this role.

Each council has a duty to promote and maintain high standards of conduct of councillors and deal with complaints against councillors. The role of Independent Person involves being called on to assist with complaints. You would be working closely with the Councils' Monitoring Officer who will formally consult you with regards to how matters should be handled.

The Independent Person must be independent of the Council. Someone cannot be appointed to this role if they are a councillor, co-opted councillor or officer or a parish councillor within the Council area or been so within the last five years.

If you are interested or want further details then please contact the Democratic Services Team at:

committeesdemocraticservices@Oxfordshire.gov.uk