

Divisions affected – All

COUNCIL

5 NOVEMBER 2024

APPOINTMENT OF INDEPENDENT PERSONS

Report of the Director of Law & Governance and Monitoring Officer

RECOMMENDATION

1. Council is RECOMMENDED
 - a) to appoint Mr Nicholas Holt-Kentwell and Mr Andrew Mills-Hicks as Independent Persons for Oxfordshire County Council from 1 December 2024 to 30 November 2026. The appointments may be renewed once for a period of two years;
 - b) to thank Mr Martyn Hocking for his service to the Council as an Independent Person from 14 July 2020 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 which can be to 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 one being 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, at Council on 9 July 2024, their appointments were extended until 30 November 2024. The

extension allowed a recruitment campaign to be undertaken over the Summer months.

Appointments

6. A recruitment campaign was undertaken over the Summer months that reached out to community groups, sports clubs, as well as other local authorities, including parish and town councils. The role was advertised on the Council's website with coverage through social media channels.
7. Interviews with those people who had expressed an interest in the role were undertaken by the Monitoring Officer and the Chair and Deputy Chair of the Audit and Governance Committee on 24 October 2024.
8. The interview panel was impressed by all the candidates, most of whom were already serving as Independent Persons.
9. Following the interviews, Mr Nick Holt-Kentwell and Mr Andrew Mills-Hicks were identified as the strongest candidates and are recommended for appointment as Independent Persons. They both demonstrated that they are experienced, impartial and evidence-based decision makers along with an understanding of the importance of high standards of conduct in public office.

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 officer 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 – Lorna Baxter, Deputy Chief Executive and Executive Director of Resources (Section 151 Officer)

Equality and diversity implications

13. The recruitment campaign sought to draw interest from a wide-range of people living and working in Oxfordshire and neighbouring areas.

Anita Bradley

Director of Law & Governance and Monitoring Officer

Contact officer:

Colm Ó Caomhánaigh

Democratic Services Manager

colm.oconomhanaigh@oxfordshire.gov.uk

November 2024