



## Committee report

Committee	<b>EXTRAORDINARY MEETING OF FULL COUNCIL</b>
Date	<b>22 AUGUST 2012</b>
Title	<b>TO APPROVE THE APPOINTMENT OF DESIGNATED INDEPENDENT PERSONS</b>
Report of/to	<b>DAVINA FIORE DEPUTY DIRECTOR OF RESOURCES (CORPORATE GOVERNANCE) AND MONITORING OFFICER</b>

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### EXECUTIVE SUMMARY

1. The Council is required to appoint at least one Designated Independent Person (DIP) who may be consulted by the Monitoring officer and elected members in relation to the new standards arrangements. When considering complaints against members the Monitoring Officer must consult with a DIP before a complaint is referred for investigation, in all other cases the Monitoring Officer may consult a DIP. Members subject to a complaint can also consult a DIP. Given the potential for conflicts of interest and/or delays due to holidays or sickness to arise it was agreed by full Council on 20<sup>th</sup> June 2012 that in the first instance five such people are appointed by full Council.

### BACKGROUND

2. As reported to the June Council the Localism Act 2011 has changed the local government standards framework. At the meeting Council authorised the recruitment of up to 5 DIPs and an advertisement for the role of Designated Independent Person was placed on the Council's web site on 21 June 2012 inviting members of the public to apply by 31 June 2012. Four applications were received from: George Hibberd, Liz Mackenzie, Ray Smith and Mark Southwell. All had been independent members of the Ethical Standards Committee.
3. Under the Act these appointments can only be made by the full Council and as the above mentioned have been members of the previous Standards Committee under the transitional arrangements these four can only be appointed until 1 July 2013.
4. Advertisements have commenced for appointment to the 5th place, and potentially for the appointments after 1 July 2013. The positions will be widely advertised via the following :

All town and parish councils, RCC (published in their magazine),

Magistrates Court, NHS Primary Care Trust, Police, Citizens Advice, Isle of Wight TUC, Libraries, the Council's web site and the Isle of Wight County Press.

5. The legislation is quite clear that DIPS must be independent of the Council (including the town and parish councils) and cannot (other than during the transitional period that runs to 1 July 2013) have been members of either councils during the last 5 years.

#### FINANCIAL / BUDGET IMPLICATIONS

6. Previously independent members of the Ethical Standards Committee received an annual allowance of £301 with the Chairman of the Standards Committee receiving an allowance of £3,573. Council in June agreed to allocate the Designated Independent Persons an annual allowance of £301. This will be an interim payment and will need to be considered by the Independent Remuneration Panel which advises on the level of member allowances as part of their annual review. The outcome of this review may mean this allowance either increasing or decreasing but it will be backdated to the date of appointment.
7. Assuming the level of allowance remains as Council agreed in June this will generate a saving of at least £3,573 as there will be no Ethical Standards Committee Chairman to receive an allowance.

#### LEGAL IMPLICATIONS

8. Under the Localism Act 2011, and subsequent regulations, it is a legal requirement for the Council to appoint at least one DIP. The arrangements set out in this report meet the legal requirements.

#### EQUALITY AND DIVERSITY

9. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
10. The advertisements for these posts were placed on the Council's website for all to see. Due to time constraints we could only advertise on the web site for the initial appointments. There were only four applicants, all of whom meet the criteria for appointment.
11. An Equality Impact initial screening has been undertaken and there has been no impact on the protected characteristics with regard to these proposed appointments. However in future the advertisements will be published more widely including the Isle of Wight County Press, all town and parish council's noticeboards, Rural Community Council (to be published in their magazine), Magistrates Court, Isle of Wight NHS Trust, Police, Citizens Advice Bureau,

Isle of Wight TUC, Libraries and the Council's web site. Thus ensuring the availability of the positions is made aware to as many people as possible

### OPTIONS

12. Option 1: That George Hibberd, Liz Mackenzie, Ray Smith and Mark Southwell be appointed Designated Independent Persons until 1 July 2013 and that they receive an initial allowance of £301 per annum, subject to review by the Independent remuneration Panel, the outcome of which being backdated to the date of appointment.
13. Option 2: To appoint a differing number of Designated Independent Persons.

### RISK MANAGEMENT

14. Appointing to these positions will reduce the risk of any challenge being successfully made to our procedure for dealing with complaints against members under the new arrangements.

### RECOMMENDATION

15. Option 1 - That George Hibberd, Liz Mackenzie, Ray Smith and Mark Southwell be appointed Designated Independent Persons until 1 July 2013 and that they receive an initial allowance of £301 per annum, subject to review by the Independent remuneration Panel, the outcome of which being backdated to the date of appointment.

### APPENDICES ATTACHED

16. None.

### BACKGROUND PAPERS

17. Equality Impact initial screening.

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