



<b>REPORT OF:</b>	HEAD OF CORPORATE SERVICES
<b>AUTHOR:</b>	NICK BENNETT - LEGAL SERVICE MANAGER
<b>TELEPHONE:</b>	01737 276030
<b>E-MAIL:</b>	<a href="mailto:Nick.Bennett@reigate-banstead.gov.uk">Nick.Bennett@reigate-banstead.gov.uk</a>
<b>TO:</b>	COUNCIL
<b>DATE:</b>	14 FEBRUARY 2013

<b>AGENDA ITEM NO:</b>	11	<b>WARD(S) AFFECTED:</b>	N/A
------------------------	----	--------------------------	-----

<b>SUBJECT:</b>	MEMBER CODE OF CONDUCT: APPOINTMENT AN INDEPENDENT PERSON
-----------------	---

**RECOMMENDATIONS:**

1. To note the recommendation of the Monitoring Officer and confirm the appointment of Mr Roger Pett as Independent Person as required by the Council's Local Member Code of Conduct for a period of three years until March 31<sup>st</sup> 2016.
2. To confirm that the Monitoring Officer is authorised to pay reasonable expenses related to Mr Pett and any future persons appointed as an Independent Person to the Borough Council.

**SUMMARY**

This report fulfils the requirement of the Localism Act 2011 to approve and appoint an Independent Person for Member Code of Conduct Matters.

**STATUTORY POWERS**

1. The Localism Act 2011 provisions in relation to Member Code of Conduct sets out the requirements for Councils to appoint an independent person to provide advice and related roles in respect of member behaviour.

The Council is required to appoint at least one "independent person" through a process of public advertisement, application and appointment by a positive vote of a majority of all Members of the Council (not just of those present and voting). Independent Persons are intended to fulfil a consultation role. They must be consulted by the Council before it:

- makes a finding as to whether a Member has failed to comply with the Code of Conduct; or
- decides action to be taken in respect of that Member (this means on a decision to take no action where the investigation finds no evidence of a breach; where the investigation finds evidence that there has been a breach; on any local resolution of the complaint; or on any finding of breach and any decision or action as a result of that finding).

Independent persons may be consulted by the Council and by a Member against whom a complaint has been made.

## **INDEPENDENT PERSON**

2. At the meeting of the Standards Committee on 13<sup>th</sup> June 2012 the appointment of two independent persons was approved and the Council's Monitoring Officer was directed to carry out a recruitment process to enable the Council to appoint independent persons. A process was carried out but suitably qualified persons were not identified.
3. The Monitoring Officer was subsequently advised that Mr Roger Pett FCA, who is appointed as Independent Person to some other Borough Councils in Surrey, was willing to be considered by the Council as independent person. The Monitoring Officer and the Executive Member with responsibility for the Member Code of Conduct (Councillor J.M. Ellacott) met and interviewed Mr Pett and have reviewed his CV and a personal statement of his background.
4. Mr Pett was noted to have relevant experience as a Director of Risk and Compliance for a large London based firm with specific responsibility as money laundering reporting officer. He is also a Fellow of the Institute of Chartered Accountants in England and Wales. Mr Pett is recommended to Council as being suitable to carry out the role of Independent Person by the Monitoring Officer.
5. The Monitoring Officer is continuing to attempt to identify a second Independent member to recommend to Council in accordance with previous decisions.

## **LEGAL IMPLICATIONS**

There are no legal implications other than as set out in the body of this report.

## **FINANCIAL IMPLICATIONS**

There are no financial implications arising from the report other than expenses payments which can be absorbed in existing budgets.

## **Background Papers:**

None