

# Broads Authority

26 July 2024

Agenda item number 18

## Appointment of Independent Person

Report by Senior Governance Officer

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### Purpose

This report seeks the Authority's approval to appoint two Independent Persons required under [Section 28\(7\)](#) of the Localism Act 2011, in accordance with the recommendation of the Standards Committee. The term of office for the current Independent Persons expires on the date of this meeting and new appointments are required.

### Recommended decision

- i. To appoint Charles Monteith and Hannah Brown as the Authority's Independent Persons for a four year term.
  - ii. To thank Christine Lee and Amanda Orchard for their services.
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## 1. Introduction

1.1. The Localism Act 2011 requires the Broads Authority to have arrangements in place for dealing with complaints of breaches of the Code of Conduct. The requirement is set out in Section 28 of the Act, which states:

(7) Arrangements put in place under subsection (6)(b) by a relevant authority must include provision for the appointment by the authority of at least one independent person-

(a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and

(b) whose views may be sought—

(i) by the authority in relation to an allegation in circumstances not within paragraph (a),

(ii) by a member, or co-opted member, of the authority if that person's behaviour is the subject of an allegation, and

(iii) by a member, or co-opted member, of a parish council if that person's behaviour is the subject of an allegation and the authority is the parish council's principal authority.

- 1.2. Although the Act requires the appointment of at least one Independent Person (IP), it is recommended and good practice to appoint two IPs. The first appointments for the Authority were made in 2012.
- 1.3. In 2021, the Authority reappointed Christine Lee and appointed a new IP, Amanda Orchard, with both terms ending on 26 July 2024.
- 1.4. The Act states that a person is not independent if they are, or have been during the previous five years, a member or co-opted member of the Authority, or they are a relative of such a member.

## 2. Appointment of Independent Persons

- 2.1. The recruitment of the IP is delegated to the Authority's Standards Committee. It recommends the appointments for approval by the Authority.
- 2.2. As [reported](#) at the last Authority meeting on 10 May 2024, no applications were received in response to the recruitment campaign. However, the liaison with colleagues at North Norfolk District Council has been successful. Both the IPs appointed by NNDC confirmed their interest in taking on the role of IP for the Broads Authority. It is worth noting that it is common practice for an IP to act for more than one authority. Consequently, a meeting of the Standards Committee was convened to consider the candidates' knowledge and experience and assess this against the requirements for the Authority's IP.
- 2.3. At its meeting on 21 June the Standards Committee recommended that both Charles Monteith and Hannah Brown be appointed for a four year term.

## 3. Financial implications

- 3.1. The role has an allowance comparable with NNDC (£25 per hour) plus travel and subsistence. This is not a retainer but is paid on an "as required" basis.

## 4. Risk implications

- 4.1. The Authority has a legal duty to appoint an Independent Person and would be unable to perform its statutory duties relating to the Code of Conduct without appointing at least one IP. Any subject member who is subject to a Code of Conduct complaint or investigation has a statutory right to consult with the IP. If that is not possible, because there is no IP, the Authority is at risk of challenge.

## 5. Conclusion

- 5.1. Members are asked to recommend the appointment of Charles Monteith and Hannah Brown as the Authority's Independent Persons until the annual meeting in 2028 (or for such period which the Authority considers appropriate).

- 5.2. If appointed, it is suggested that both Charles and Hannah be invited to attend the next meeting of the Standards Committee and any other events appropriate to their role.
- 5.3. Members are also recommended to record the Authority's thanks to the outgoing IPs for their services to the Authority over the past years.

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Date of report: 02 July 2024

Background papers: none

[Broads Plan](#) strategic objectives: n/a