

To: Council
30 November 2022

**Appointments and Attendance at Meetings
Executive Director: Delivery – Democratic & Registration Services**

1 Purpose of Report

- 1.1 This report seeks Council's endorsement of two appointments:
- an Independent Person who has a consultative role in connection with complaints alleging breaches of the Councillor Code of Conduct
 - a Primary Parent Governor Representative to sit on the Overview & Scrutiny Commission and Education, Skills & Growth Overview & Scrutiny Panel
- 1.2 Council is also asked to consider exercising its powers under Section 85 of the Local Government Act 1972 to approve Councillor Mrs McKenzie's further absence from meetings due to her continued ill health.

2 Recommendations

- 2.1 **That Heather Quillish is appointed to the role of Independent Person for a four-year term of office until 30 November 2026.**
- 2.2 **That should the Independent Person be unavailable or have a conflict of interest while there is a vacancy for a Reserve Independent Person, an Independent Person from a neighbouring authority will be asked to undertake the role.**
- 2.3 **That Victoria Hill is appointed to the role of Primary Parent Governor Representative on the Overview & Scrutiny Commission, and that the Commission is asked to formally appoint Victoria Hill to the Education, Skills & Growth Overview & Scrutiny Panel, both terms of office to run for four years until 30 November 2026.**
- 2.4 **That Councillor Mrs McKenzie's absence from council meetings due to her ill health is approved until the date of the council elections on 3 May 2023.**

3 Reasons for Recommendations

- 3.1 Council on 25 April 2012 resolved to appoint an Independent Person and a Reserve Independent Person as required by provisions within the Localism Act 2011.
- 3.2 Council is responsible for appointing parent governor representatives to the Overview & Scrutiny Commission as required by provisions within the Local Government Act 2000.
- 3.3 Council is being afforded the opportunity to consider the current position regarding Councillor Mrs McKenzie's attendance at meetings.

4 Alternative Options Considered

- 4.1 No alternative options were considered.

5 Supporting Information

Appointment of an Independent Person

- 5.1 The Localism Act 2011 requires the appointment of an Independent Person (IP) 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. In addition, the councillor or co-optee who is the subject of a complaint may discuss the matter with the IP. Council appointed an IP and a reserve in case the IP should be unavailable, or a conflict of interest should arise.
- 5.2 An allowance of £400 per annum is payable to the IP and £200 per annum to the reserve IP, plus expenses. Both positions are now vacant.
- 5.3 Recruitment for both positions was undertaken in accordance with the requirements of the legislation and one application was received. The applicant was interviewed by the Borough Solicitor and Assistant Director: Democratic & Registration Services who unanimously support the recommendation to appoint Heather Quillish set out at 2.1 of the report. Heather has extensive experience serving the local community including as a chair of governors at a local school, as an independent member of the Council's former Standards Committee and as a School Admission Appeals Panel member and chair.
- 5.4 The position for a reserve IP remains vacant and the post will be readvertised. Until an appointment is made it is proposed that an IP from a neighbouring authority will undertake the role if the IP is unavailable or has a conflict of interest as set out in 2.2 of the report.
- 5.5 The Localism Act 2011 requires the appointment of an IP to be approved by a majority of members of the Council, not just a majority of those voting at the meeting. The quorum to consider this item is therefore 22 councillors.

Appointment of a Parent Governor Representative to the Overview & Scrutiny Commission

- 5.6 Local authorities operating executive arrangements must appoint at least two and not more than five parent governor representatives to each overview & scrutiny (O&S) committee and sub-committee whose functions relate wholly or partly to any education functions. The Education, Skills & Growth O&S Panel has responsibility for these functions and the O&S Commission shares some of that responsibility.
- 5.7 Parent governor representatives are nominated and elected by fellow parent governors and have voting rights relating to any education matter considered by the O&S Commission or the Education, Skills & Growth O&S Panel. The Council has previously agreed to appoint one primary and one secondary parent governor representative. Their role is to:
- act as an apolitical voice for parents in the area; representing to the local authority the main education issues which concern parents or pupils of schools maintained by the authority
 - liaise with other parent governors at their own authority

- attend and contribute to the meetings of the committees to which they are appointed
- establish good relations with other members and officers
- feedback to parents the authority's discussions of, and decisions on, education
- abide by the Council rules on committee procedure
- act with due propriety according to standards laid down for conduct in local government

5.8 An allowance of £310 per annum is payable plus expenses.

5.9 Vacancies currently exist on the Commission and the Education, Skills & Growth O&S Panel, for both a primary and a secondary parent governor representative. These vacancies arose due to the resignation of the two former representatives.

5.10 In line with the Parent Governor Representative (England) Regulations 2001 and the supplementary guidance, all parent governors in the borough were invited to make nominations to fill the vacancies, and the opportunity to participate in local decision making was promoted through the council's web pages, the governor newsletter and Governor Services briefings. No nominations were received by the closing date therefore the process was repeated in September 2022. One nomination was received for the primary parent governor representative role which meant there was no need for a ballot. Council is asked to endorse the appointment of Victoria Hill to the O&S Commission for a four-year term or until Victoria is no longer eligible to be the representative, and to ask the Commission to formally appoint Victoria to the Education, Skills & Growth O&S Panel, for the same term of office, as set out in 2.3 of the report.

5.11 The vacancy for the secondary parent governor representative will be readvertised on a regular basis until an appointment can be made.

Absence from meetings

5.12 Section 85 of the Local Government Act 1972 provides that a councillor who fails throughout a period of six consecutive months from the date of their last attendance at any meeting of the authority, ceases to be a member of the authority unless failure to attend was due to some reason approved by the authority before the expiry of that period.

5.13 As a result of her current ill health Councillor Mrs McKenzie is unable to attend meetings of the authority. On 18 May 2022 the Council approved Councillor Mrs McKenzie's absence until 30 November 2022 so that she retained her seat while her health improved. Councillor Mrs McKenzie's health is continuing to improve but is not yet at the stage where she can undertake her full duties. Council is asked therefore to approve a further period of absence so that Councillor Mrs McKenzie is reassured that there is no requirement to return to local authority meetings before she is well enough to do so.

6 Consultation and Other Considerations

Legal Advice

6.1 Legal considerations are set out in the body of the report.

Financial Advice

- 6.2 The financial implications are contained within the report. The costs detailed will be contained within existing budgets.

Equalities Impact Assessment

- 6.3 Not relevant to this report.

Strategic Risk Management Issues

- 6.4 The continued absence of a ward councillor could adversely affect constituency representation in the ward. Councillor Mrs McKenzie represents College Town, a two-member ward, which mitigates the risk at least in the short term until the election in May 2023.

Climate Change Implications

- 6.5 The recommendations in Section 2 above are not expected to have a significant impact on emissions of CO₂.

Health & Wellbeing Considerations

- 6.6 A councillor can experience additional unnecessary concern and distress if their health precludes them from discharging their responsibility to attend meetings for a prolonged period of time and they may feel pressure to return to public life before they are in good health. This report has been brought forward to protect the individual's health and wellbeing.

Background Papers

None

Contact for further information

Ann Moore, Assistant Director: Democratic & Registration Services
01344 352260
ann.moore@bracknell-forest.gov.uk