

# Council

25 April 2019



<b>Title</b>	Localism Act 2011: Appointment of Independent Persons 2019-2023		
<b>Purpose of the report</b>	To make a decision		
<b>Report Author</b>	Michael Graham, Monitoring Officer		
<b>Cabinet Member</b>	Councillor Ian Harvey	<b>Confidential</b>	No
<b>Corporate Priority</b>	This item is not in the list of Council priorities but still requires a Council decision.		
<b>Recommendations</b>	<p>To agree:</p> <p>(a) the re-appointment of:</p> <ul style="list-style-type: none"><li>• Vivienne Cameron</li><li>• Roger Pett</li></ul> <p>(b) the interview panel's recommendation for the appointment of the five other applicants:</p> <ul style="list-style-type: none"><li>• Bernard Quoroll</li><li>• Bill Donnelly</li><li>• Paul Eaves</li><li>• Liz Lawrence</li><li>• John Smith</li></ul> <p>as Independent Persons for a four year term of office expiring in May 2023.</p>		
<b>Reason for Recommendation</b>	To enable the Council to comply with its obligations under Section 28 (7) of the Localism Act 2011.		

## 1. Key issues

- 1.1 The Localism Act 2011 introduced a new ethical standards regime for local government in 2012 which, amongst other things, requires the Council to seek the views of an Independent Person before it takes a decision on an allegation of misconduct by a councillor which it has decided to investigate. The Monitoring Officer decides, after consultation with the Independent Person, whether a complaint merits a formal investigation. The Independent Person's views may also be sought by the Council at any other stage in a misconduct complaint, or by a councillor against whom an allegation has been made.
- 1.2 The Council is also required to use its Independent Persons in respect of dismissal or disciplinary procedures against the Head of Paid Service, Monitoring Officer or Chief Finance Officer in accordance with the provisions

of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

- 1.3 It has often been challenging to recruit suitable volunteers to serve as Independent Persons; due to the nature of the role, there are parameters set out in legislation regarding who and who may not be appointed. Consequently, the Council has adopted a pragmatic approach to recruitment of Independent Persons by entering into joint arrangements with other Surrey councils since April 2012.
- 1.4 Under those joint arrangements, the Council appointed Vivienne Cameron, Roger Pett, David Seymour, Tony Allenby and Paul Sherar as Independent Persons, for a term of office expiring in May 2019.
- 1.5 Following the success of the previous joint appointments arrangement, all the Surrey councils (including Surrey County Council) were asked whether they would be interested in participating in a further joint arrangement for the appointment of Independent Persons for the next four years. Not all Surrey councils were at a point of needing to recruit, but the following councils agreed to participate:
  - Epsom & Ewell
  - Guildford
  - Mole Valley
  - Reigate & Banstead
  - Surrey Heath
  - Waverley
- 1.6 At its meeting held on 21 February 2019, the Council authorised the Monitoring Officer to establish a joint appointments panel with participating Surrey councils' monitoring officers so that the Panel may:
  - (a) advertise for, short-list, and interview candidates and
  - (b) make recommendations to the respective councilsfor the appointment of Independent Persons for a four-year term of office expiring in May 2023.
- 1.7 The vacancy for Independent Persons was advertised on each of the participating councils' websites and the details of the appointments were publicised via social media.
- 1.8 Our current Independent Persons were each asked if they would be happy to continue in the role until 2023 and, if so, invited to apply for re-appointment. Two of these, Vivienne Cameron and Roger Pett, confirmed their wish to continue and have formally re-applied. Two other current Independent Persons at other Surrey authorities, Bernard Quoroll and John Smith – who are serving at Guildford and Epsom and Ewell respectively, have sought re-appointment.
- 1.9 Following the advertisement period, three new applications were received (although none from the Spelthorne area). All three candidates, namely Paul Eaves, Liz Lawrence, and Bill Donnelly, were invited to be interviewed. The interviews took place in March at Guildford Borough Council offices. The interview panel comprised the Monitoring Officers (or their deputies) from Guildford, Mole Valley, Reigate & Banstead and Surrey Heath.

- 1.10 The interview panel found that all three candidates demonstrated well-developed skills of independence, analysis, and fair dealing and has commended all three for appointment by the participating councils. Copies of the candidates' CVs in support of their applications are attached to this report as **Confidential Appendices**.
- 1.11 It was agreed with all the participating councils that serving Independent Persons, who have re-applied should not have to be interviewed again. Instead, we have asked them to submit up to date CVs. Copies of their CVs are also attached to this report as **Confidential Appendices**.

### **Equality and Diversity Implications**

- 1.12 Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) when making decisions and setting policies.
- 1.13 The recruitment process has sought to raise awareness of the vacancies across a wide range of local organisations in the public, private and voluntary sectors.
- 1.14 The recruitment process has sought to find a variety of candidates that whilst meeting the profile, offer a variety of different backgrounds and experiences.

## **2. Options analysis and proposal**

- 2.1 The Council is asked to approve the appointment/re-appointment of the Council's Independent Persons.

## **3. Financial implications**

- 3.1 The Council agreed on 21 February 2019 that the Independent Persons appointed by this Council shall not be entitled to receive any remuneration other than travelling expenses which will be paid at the same rate as currently provided for councillors under the Scheme of Allowances for Councillors.
- 3.2 There are no other financial implications arising from this report.

## **4. Other considerations**

- 4.1 The appointment of an Independent Person must be *approved by a majority of the members of the authority*. This means that any appointment must be approved by at least 19 councillors, not merely a simple majority of councillors present and voting.

### **Background papers:**

There are none.

### **Confidential Appendix**

Appendix 1 – Personal bios of the 7 applicants for the position of Independent Person.

**NB. This appendix is exempt from publication under Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 as it contains the personal information of the individuals concerned.**