

Signed off by	Deputy Monitoring Officer
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To	Standards Committee
Date	11 th July 2023

Key Decision Required	No
Wards Affected	(All Wards);

Subject	Appointment of Independent Persons 2023 - 2027
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Recommendations

That the following be appointed as Independent Persons for a four-year term of office May 2023 – 2027:

- Andrea Armstrong
- Bill Donnelly
- Jane Clarke
- John Smith; and,
- Vivviene Cameron

Reasons for Recommendations

To enable the Council to comply with its obligations under Section 28 (7) of the Localism Act 2011, which requires that the Council appoints at least one Independent Person for maintaining standards of conduct.

Executive Summary

Section 28 (7) of the Localism Act 2011 requires that the Council appoints at least one Independent Person whose views may be sought regarding any allegations of misconduct against a councillor and the arrangements under which any such allegations can be investigation and determined.

Following a joint recruitment and selection process involving six other local authorities in Surrey, this report seeks approval to appoint five Independent Persons whom the Monitoring Officer may consult with in respect of any Member complaints.

Full Council in July 2015 delegated authority to the Standards Committee to determine the appointment of Independent Persons.

Statutory Powers

1. Under Section 28 of the Localism Act 2011 the Council is required to appoint at least one Independent Person whose views may be sought regarding any allegations of misconduct against a councillor and the arrangements under which any such allegations can be investigated and determined.

Background

2. The Localism Act introduced a new ethical standards regime for local government in July 2012. Amongst other things, it requires the Council, in some circumstances, 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.
3. The Monitoring Officer may consult with the Independent Person and decide 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.
4. 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.
5. Full Council in July 2015 agreed a local arrangement with a number of neighbouring councils to make joint appointments of Independent Persons. There are six other participating Surrey Councils:
 - Epsom & Ewell
 - Guildford
 - Mole Valley
 - Spelthorne
 - Surrey Heath
 - Waverley
6. Full Council in April 2019 appointed the Independent Persons for a four-year period with their period of office ending in May 2023. It is therefore necessary to appoint Independent Persons for a further four-year term.

Key Information

7. Although the role of Independent Person is voluntary, the Council is required to advertise the vacancy in such manner as the authority considers is likely to bring it to the attention of the public.
8. This process involved advertising, short-listing, and interviewing the candidates and making recommendations to the respective councils for the appointment of Independent Persons for a four-year term of office expiring in May 2027 and this was carried out.

9. Our current Independent Persons were each asked if they would be happy to continue in the role until 2027 and, if so, invited to apply for re-appointment. Three of these, Vivienne Cameron, Bill Donnelly and John Smith, confirmed their wish to continue and formally re-applied.
10. Following the advertisement period, seven new applications were received. John Armstrong, Democratic Service and Elections Manager and Deputy Monitoring Officer at Guildford Borough Council contacted all seven councils to seek agreement to reappoint the three existing Independent Persons that had re-applied.
11. Councils were asked to consider the new applicants and to nominate which candidates they would like to be interviewed; the applicants with the most nominations would then be invited to attend an interview. The successful candidates were Andrea Armstrong and Jane Clarke who were invited for an interview that took place on Thursday 9th March 2023.
12. The interview panel comprised the Monitoring Officers (or their deputies) from Epsom & Ewell, Guildford, Mole Valley and Surrey Heath.
13. The CVs of successful candidates are appended to this report under Annex 1 (a – e).

Options

Option 1 – Recommended

14. Approve the re-appointment of the Council's current Independent Persons, Vivienne Cameron, Bill Donnelly and John Smith and approve the appointment of the new Independent Persons, Andrea Armstrong and Jane Clarke to ensure that the Council complies with its obligations under Section 28(7) of the Localism Act 2011

Option 2 – Not recommended

15. Do not approve the re-appointment of the Council's current Independent Persons nor the appointment of the new Independent Persons, which would result in the Council failing to comply with its obligations under Section 28(7) of the Localism Act 2011

Legal Implications

16. Section 28 of the Localism Act prescribes the need for a Local Authority to appoint at least one Independent Person, although no term of office is specified. If the Committee should agree to Option 1 above, this will provide more resilience in considering standards complaints.

Financial Implications

17. The Independent Persons appointed by this Council would not receive any remuneration for undertaking this role other than travelling expenses which will be paid at the same rate as currently provided for councillors under the Members Allowances Scheme.

Equalities Implications

18. 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.

19. The recruitment process has sought to find a variety of candidates that whilst meeting the profile, offer a variety of different backgrounds and experiences.

Communication Implications

20. There are no communication implications arising from this report.

Environmental Sustainability Implications

21. There are no Environmental Sustainability implications arising from this report.

Risk Management Considerations

22. There are no risk management implications arising from this report if the recommendation is accepted.

Other Implications

23. There are no other implications arising from this report.

Consultation

24. Each of the participating Surrey authorities have considered and adopted the proposed appointment of Independent Persons in March/April 2023.

Policy Framework

25. The appointment of Independent Persons is a legislative requirement and complies with the Council's corporate plan as a result.

Background Powers

- Advertisement and Information Pack for Candidates