



Reigate & Banstead
BOROUGH COUNCIL
Banstead | Horley | Redhill | Reigate

SIGNED OFF BY	Monitoring Officer
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TO	Standards Committee
DATE	Thursday, 11 April 2019
EXECUTIVE MEMBER	Other

KEY DECISION REQUIRED	N
WARDS AFFECTED	(All Wards);

SUBJECT	Appointment of Independent Persons
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RECOMMENDATIONS

That the following be appointed as Independent Persons for a four-year term of office May 2019 - 2023:

- Vivienne Cameron
- Bill Donnelly
- Paul Eaves
- Liz Lawrence
- Roger Pett
- Bernard Quoroll
- John Smith

REASONS FOR RECOMMENDATIONS

To enable the Council to comply with its obligations under Section 28 (7) of the Localism Act 2011.

EXECUTIVE SUMMARY

To seek the approval of the Standards Committee regarding the suitability of the candidates recommended for appointment as Independent Persons.

The Standards Committee has authority to determine this recommendation.

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

1. 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. 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.
2. Full Council in July 2015 appointed the Independent Persons for a four year period with their period of office ending in May 2019. It is therefore necessary to appoint Independent Persons for a further four year term.
3. Full Council also delegated this function to the Standards Committee to make future appointments of Independent Persons.
4. At the time of making those appointments in 2015 the Council also 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
5. 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.
6. 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. 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 2023 and this was carried out.
7. Four existing Independent Persons confirmed their wish to continue and formally re-

applied.

8. Three new applications were received. Paul Eaves, Liz Lawrence, and Bill Donnelly, were interviewed between 4 and 7 March at Guildford. The interview panel comprised the Monitoring Officers (or their deputies) from Guildford, Mole Valley, Reigate & Banstead and Surrey Heath.
9. 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 provided in the Exempt part of the Committee's agenda.
10. The serving Independent Persons, who re-applied were not interviewed again. Instead, they were asked to submit up to date CVs. Copies of their CVs are also provided in the Exempt part of the Committee's agenda.

OPTIONS

11. To appoint the Independent Persons as detailed in the report (recommended option)
12. To not appoint the Independent Persons and to ask Officers to undertake further recruitment (not recommended)

LEGAL IMPLICATIONS

13. The Localism Act s.28 prescribes the need for a council to appoint at least one Independent Person, although no term of office is specified; the role that the Independent Person plays in the arrangements for dealing with allegations of misconduct by councillors; and the various requirements for independence that those applying for appointment must satisfy.
14. There are no additional legal implications arising from this report.

FINANCIAL IMPLICATIONS

15. 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.
16. There are no other financial implications arising from this report.

EQUALITIES IMPLICATIONS

17. 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.
18. 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

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

HUMAN RESOURCES IMPLICATIONS (if applicable)

20. There are no human resources implications arising from this report.

RISK MANAGEMENT CONSIDERATIONS

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

OTHER IMPLICATIONS

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

CONSULTATION

23. Each of the participating Surrey authorities is considering the proposed appointment of Independent Persons in March/April 2019.

POLICY FRAMEWORK

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

BACKGROUND PAPERS

- Advertisement and Information Pack for Candidates