

REPORT TITLE: RECRUITMENT OF INDEPENDENT PERSONS

16 JULY 2024

REPORT OF THE MONITORING OFFICER

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WARD(S): ALL

PURPOSE

To report the outcome of the recruitment process for the role of Independent Person ("IP") and to recommend the appointment of three candidates following interviews conducted on 14 May 2024.

RECOMMENDATIONS:

That Full Council is recommended:

1. To appoint the following three individuals as Independent Persons:
  - a. Alan Harrison
  - b. Linda Phillips
  - c. Peter Baulf
2. To extend its sincere gratitude to the Council's outgoing Independent Person, Mr Michael Cronin for his dedicated service and invaluable contributions over the past seven years.

## IMPLICATIONS:

### 1. COUNCIL PLAN OUTCOME

- 1.1. The Council is responsible for maintaining high governance standards pursuant to its duties under the Localism Act 2011. The Audit & Governance committee has the role of ensuring that the ethical standards regime forming part of the governance framework of the Council is robust, thereby engendering public confidence that the Council can deliver upon its priorities within the Council Plan.

### 2. FINANCIAL IMPLICATIONS

- 2.1. The costs of the advertising and recruitment process have been met from existing resources. The IPs (three) will receive an allowance of £800 per annum which is commensurate with remuneration at other Councils. This is a total additional annual cost of £1,200 which can be funded within existing budgets.

### 3. LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1. Under section 28(7) of the Localism Act 2011 the council is required to appoint at least one IP to give a view on complaints against members, including whether to investigate a complaint for alleged breach of the Councillor's Code of Conduct.
- 3.2. The council may not appoint a person (or close associate of a person) who has been an officer, member, or co-opted member of the council within the 5 years prior to the appointment.
- 3.3. Full Council must approve the appointment of any IP.
- 3.4. As a result of the Local Authorities (Standing Orders) (England) (amendment) Regulations 2015 the IP will also have a role in relation to the dismissal of the Head of Paid Service, Monitoring Officer, or Chief Financial Officer. At least two IP's must be invited to join any disciplinary panel in this respect.
- 3.5. There is a statutory requirement to ensure that the advertising for post is brought to the attention of the public therefore the selection process entailed a notice via public advertisement.

### 4. WORKFORCE IMPLICATIONS

- 4.1. None from this report.

### 5. PROPERTY AND ASSET IMPLICATIONS

- 5.1. None from this report.

## 6. CONSULTATION AND COMMUNICATION

6.1. This process has been undertaken in consultation with:

- a) The Audit and Governance Committee
- b) The Cabinet Member for Community and Engagement due to her Cabinet Member responsibilities
- c) The Council's Statutory Officers (Chief Executive, S151 Officer, and Monitoring Officer)
- d) Legal and Democratic Services

## 7. ENVIRONMENTAL CONSIDERATIONS

7.1. None from this report.

## 8. PUBLIC SECTOR EQUALITY DUTY

8.1. The recruitment has been carried out in accordance with the council's duties under the Equality Act 2010 and in accordance with the principles in the Council's Corporate Equality, Diversity, and Inclusion Plan.

## 9. DATA PROTECTION IMPACT ASSESSMENT

9.1. None from this report.

## 10. RISK MANAGEMENT

<b>Risk</b>	<b>Mitigation</b>	<b>Opportunities</b>
Financial Exposure	Ensuring the Council always has the required complement of IPs to consider complaints or allegations against councillors or dismissal decisions re statutory officers will ensure independent oversight and mitigate against improper decision-making, which in turn protects the Council's strong financial arrangements.	Will meet the statutory requirements (set out in the body of this report) for independent oversight, strengthening governance and in turn ensuring reputation and public confidence.
Exposure to challenge	Appointment of IPs in accordance with statutory requirements removes the risk of non-	Will meet the statutory requirements (set out in the body of this report) for independent oversight,

	compliance in that regard. In addition, the role of IPs aids in independent oversight, therefore mitigating against poor decision making and inappropriate behaviours, aiding overall good governance.	strengthening governance and in turn ensuring reputation and public confidence.
Reputation	Appointment of IPs is required as this is a role that is part of the framework of independent oversight within the Council, which is key to maintaining trust and confidence in the good governance of the Council and its reputation among residents and others	Appointment of IPs and the role they carry out is an example of how the Council can demonstrate its engagement with independent oversight to ensure good governance in a reputable and appropriate manner.
Achievement of outcome	The Council is required by law to appoint IPs and the recommendations in this report achieve that critical outcome. In addition, the appointment of three IPs will mitigate against the risk of being below complement in the event of illness or conflict arising with one of the IPs	
Timescales	The Council has moved to commence recruitment in a timely fashion to mitigate against the possibility of the existing IP resigning or becoming unavailable for whatever reason.	

## 11. SUPPORTING INFORMATION:

11.1. The Independent Persons (IPs) fulfil a statutory role in relation to Member conduct issues. There are also statutory provisions requiring that the

Independent Persons will have a role in the event of a proposed dismissal of the Head of Paid Service, Monitoring Officer, or S151 Officer.

- 11.2. Independent Persons are appointed under section 28(7) of the Localism Act 2011. Their view is sought and taken into consideration before any decision is taken on whether a councillor has failed to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.
- 11.3. Two Independent Persons are also required to form an Independent Panel for the purpose of advising Council on the dismissal of any Statutory Officers.
- 11.4. The Audit & Governance Committee advises the Council on the adoption or revision of the Councillors' Code of Conduct and monitors the operation of the Code of Conduct, overseeing arrangements for dealing with complaints against councillors.
- 11.5. The Council currently has only one IP after the resignation of one and sadly the loss of another. At its meeting on the [29 February 2024, the Audit and Governance Committee](#) was asked to approve the commencement of a recruitment process for the Council to increase its current complement to three IPs. This was the approach taken before and was considered appropriate to ensure there is always availability among the pool of IPs, and to mitigate against the risk of being under complement, in the event of illness or conflict of interest arising with one or two of the IPs. This is in keeping with the approach adopted at other local authorities.

## 12. KEY ISSUES FOR CONSIDERATION

- 12.1. The Audit and Governance Committee agreed for Councillors Chamberlain, Godfrey, and Power to form the interview panel in conjunction with the Cabinet Member for Community and Engagement (Councillor Becker), due to her Cabinet Member responsibilities and the Deputy Monitoring Officer as adviser to the panel.
- 12.2. An advertisement for the role was placed on the 21 March 2024 and was available until the 30 April 2024. An application pack was created which consisted of the Advertisement, Role Description, Person Specification, Eligibility criteria and Application Form. Applicants were asked to complete and submit an application form, which was contained within the Application Pack.
- 12.3. Shortlisting of candidates was undertaken by officers from the applications received and the interview panel was convened to meet on the 14 May 2024 in Abbey House.

12.4. Following interviews and a technical assessment, the interview panel agreed to recommend the successful candidates listed below to be formally appointed by Full Council at its meeting on the 11 July 2024.

- a) Alan Harrison
- b) Linda Phillips
- c) Peter Baulf

12.5. In line with the recommendations in the review of Local Government Ethical Standards by the Committee on Standards in Public Life the interview panel agreed with the term of the appointments being for two years with one extension allowed of up to two further years.

12.6. Mr Michael Cronin, appointed as Independent Person in 2017, has played a central role in the Standards regime within the City Council. The council sincerely thanks Mr Cronin for his dedicated service and invaluable contributions over the past seven years.

### 13. OTHER OPTIONS CONSIDERED AND REJECTED

13.1. To not recruit at this time. This would leave only one IP which could make dealing with complaints problematical and leaves the process open to delay. IPs are required for any Independent Panel required for the purpose of advising Council on the dismissal of any Statutory Officers.

### 14. BACKGROUND DOCUMENTS

14.1. Previous Committee Reports:

[AG129 – Recruitment of Independent Persons](#)

15. APPENDICES:

None