

APPOINTMENT OF INDEPENDENT PERSONS

Head of Service/Contact:	Amardip Healy, Chief Legal Officer
Annexes/Appendices (attached):	Exempt from publication on the grounds that they provide to information relating to an individual: Annex 1 - Existing Independent Person applicants Annex 2 - New Independent Person applicants
Other available papers (not attached):	Advertisement and Information Pack for Candidates

Report summary

Following the 2019 recruitment process which was undertaken jointly with a number of other Surrey Borough Councils, to seek the formal appointment of the Council's statutory Independent Persons for a four year term of office expiring in May 2023.

Recommendation (s)

- (1) That the following persons be appointed as Independent Persons for a four-year term of office expiring in May 2023:
- John Smith
 - Vivienne Cameron
 - Roger Pett
 - Bill Donnelly
 - Bernard Quoroll
 - Paul Eaves
 - Liz Lawrence

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

- 1.1 The manner by which the Council advertised the vacancy for appointment of Independent Persons, and the appointments process, demonstrates the Council's commitment to being open and accountable to our residents.

2 Background

- 2.1 The Localism Act 2011 introduced a new ethical standards regime for local government, which took effect from July 2012. Part of the changes it introduced was the appointment of an Independent Person. The changes required a Council to seek the views of an Independent Person in relation to an allegation of misconduct by a councillor. At Epsom and Ewell, the Monitoring Officer can decide, after consultation with the Independent Person as appropriate, 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.
- 2.2 As a part of wider partnership working with other Borough Councils, we have worked with a number of other Surrey Councils to arrange a Panel of Independent Persons, to call on if required.
- 2.3 The following Councils have all agreed to the appointment of a Panel of Independent Persons:
- Epsom & Ewell
 - Mole Valley
 - Reigate & Banstead
 - Spelthorne
 - Surrey Heath
 - Waverley
- 3.1 The work to establish arrangements for the appointment of Independent Persons and process the applications with participating Surrey Council's Monitoring Officers has been lead by the Democratic Services Manager at Guildford Borough Council. The advert for the roles were specific to each authority, however, the roles are for a four-year term of office starting from May 2019 and expiring in May 2023.
- 3.2 The vacancy for Independent Persons was advertised in January 2019 with a deadline date of 22 February 2019 for receipt of applications. The advert, with a person profile, was featured on each of the participating councils' websites. In addition, the details of the appointments were publicised via social media, and we wrote to a number of partners and other organisations inviting applications.
- 3.3 Our current Independent Person, John Smith, was asked if he would be happy to continue in the role until 2023 and, if so, invited to apply for re-appointment. He confirmed he was and has re-applied. Guildford Borough Council's existing Independent Persons, Vivienne Cameron, Roger Pett, Bernard Quoroll confirmed they were happy to continue and also submitted applications.

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30 April 2019

- 3.4 It was agreed with all the participating Councils, that serving Independent Persons, who re-applied should not have to be interviewed again. Instead, they were all asked them to submit up to date CVs. Copies of their CVs are attached to this report as **Annex 1**.
- 3.5 Following the advertisement period, three new applications were received. All three candidates, namely Paul Eaves, Bill Donnelly and Liz Lawrence were invited to be interviewed. The interviews took place on 4 and 7 March.
- 3.6 The interview panel reported that all new 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 at **Annex 2**.
- 3.7 The role of Independent Person at Epsom & Ewell carries with it an allowance of a daily rate of £250.00 (inclusive of expenses) payable only when the post is required by the Council to perform the duties of the Independent Person. This was agreed by Council on the 12 December 2017 following a report from the Independent Remuneration Panel. No change is proposed to this arrangement.

3 Financial and Manpower Implication

- 3.1 There are no other financial implications arising from this report.
- 3.2 **Chief Finance Officer's comments:** none arising from the contents of this report.

4 Legal Implications (including implications for matters relating to equality)

- 4.1 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. The recruitment process has sought to contact a wide range of local organisations in the public, private and voluntary sector to raise awareness of the vacancies. The recruitment process has sought to find a variety of candidates that whilst meeting the profile, offer a variety of different backgrounds and experiences.
- 4.2 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 is in the arrangements for dealing with allegations of misconduct by councillors; but also in other processes such as dismissal or disciplinary procedures of Statutory Officer.
- 4.3 The proposed arrangements will now specify a term of office and by having access to a Panel, will offer a useful resource if needed.

4.4 **Monitoring Officer's comments:** none arising from the contents of this report.

5 Sustainability Policy and Community Safety Implications

5.1 None.

6 Partnerships

6.1 The Council is working in partnership with a number of other Surrey Councils in terms of securing panel arrangements.

7 Risk Assessment

7.1 The Council is required to have at least one Independent Person, however, by ensuring a Panel is available mitigates the risk in the event of the current Independent Person not being available or when processes require the setup of a Panel of Independent Persons.

8 Conclusion and Recommendations

8.1 In order to comply with the Council's obligations under Section 28 Localism Act 2011 in respect of the appointment of Independent Persons, the Council is now asked to consider:

(a) the re-appointment of this Council's current serving Independent Persons along with those of the other partner authorities as follows:

- John Smith (Epsom & Ewell)
- Vivienne Cameron (Guildford)
- Roger Pett (Guildford)
- Bernard Quoroll (Guildford)

(b) the interview panel's recommendation that the three new applicants be also be appointed as Independent Persons as follows:

- Paul Eaves
- Bill Donnelly
- Liz Lawrence

Ward(s) Affected: (All Wards);