

APPOINTMENT OF INDEPENDENT PERSONS

Head of Service: Olwen Brown, Monitoring Officer
Wards affected: (All Wards);
Appendices (attached): None

Summary

Following a recruitment exercise carried out with six other Surrey borough councils, to seek the formal appointment of the council's statutory independent persons for a four year term expiring in May 2027.

Recommendation (s)

The Council is asked to:

- (1) Appoint the following as Independent Persons for a four-year term of office expiring in May 2027:**
 - i) Andrea Armstrong**
 - ii) Vivienne Cameron**
 - iii) Jane Clarke**
 - iv) Bill Donnelly**
 - v) John Smith**

1 Reason for Recommendation

- 1.1 The council is required by the Localism Act 2011 to appoint at least one Independent Person who must be appointed by Council. The open appointment exercise, carried out on behalf of seven Surrey Borough Councils, including Epsom and Ewell Borough Council, shows the council's commitment to being open and accountable to residents and provides a panel of Independent Persons available to be called upon if required.

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 requirement to appointment at least one Independent Person, whose views must be sought and taken into account before the authority makes a decision on an allegation of misconduct by a councillor which it has decided to investigate; and whose views may be sought by the authority or by the relevant member, in relation to allegations at other stages of a code of Conduct complaint. At Epsom and Ewell BC the Monitoring Officer can decide, after consultation with the Independent Person as appropriate, whether a complaint merits a formal investigation.
- 2.2 Since 2015, two Independent Persons must also be involved if the authority is considering dismissing one of its statutory officers; namely the Head of Paid Service, monitoring Officer or s151 Officer, when the views of at least two Independent Persons must be sought and taken into account. The Independent Person's views may also be sought by the Council at any other stage in a misconduct complaint.
- 2.3 As a part of wider partnership working, we have worked with six other Surrey Borough Councils to arrange a Panel of Independent Persons, to call on if required. A panel of Independent Persons, all of whom can be called upon if required, ensures that an Independent Person should always be available, with two available when required, and that any potential conflict of interest can be avoided.
- 2.4 The following Councils have all agreed to the appointment of a Panel of Independent Persons:
- Epsom & Ewell
 - Guildford
 - Mole Valley
 - Reigate & Banstead
 - Spelthorne
 - Surrey Heath
 - Waverley

3 Recommendations of interview panel.

- 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 led by Guildford Borough Council.
- 3.2 The vacancy for Independent Persons was advertised in January 2023 with a deadline date of 24 February 2023 for receipt of applications. The advert, with a person profile, was featured on each of the participating councils' websites.

Council

23 May 2023

- 3.3 Ten applications were received in total, from candidates with a wide variety of experience. Three of these applications were from serving Independent Persons. Two new candidates were invited for interview by a Panel of four Monitoring Officers representing the councils. Interviews took place on 9th March and both of the new candidates interviewed, Andrea Armstrong and Jane Clarke, are recommended for appointment as it was felt that they both evidenced the necessary skills of independence, analysis and fairness.
- 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, the three who applied were all asked them to submit up to date CVs; all are recommended for appointment; that is Vivienne Cameron, Bill Donnelly and John Smith.
- 3.5 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 pending a future meeting of the Independent Remuneration Panel when the rate will be reconsidered along with other allowances.

4 Risk Assessment

Legal or other duties

4.1 Equality Impact Assessment

4.1.1 None.

4.2 Crime & Disorder

4.2.1 None.

4.3 Safeguarding

4.3.1 None.

4.4 Dependencies

4.4.1 None.

4.5 Other

4.5.1 The Council is required to have at least one Independent Person, however appointing a Panel mitigates the risk in the event of the current Independent Person not being available; when processes require the setup of a Panel of Independent Persons; and ensures that conflicts of interest can be avoided.

5 Financial Implications

- 5.1 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.
- 5.2 Should an Independent Person's services be required, funding will have to be identified from existing budgets.
- 5.3 **Section 151 Officer's comments:** none arising from the contents of this report.

6 Legal Implications

- 6.1 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.
- 6.2 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.
- 6.3 The proposed arrangements will now specify a term of office and by having access to a Panel, will offer a useful resource if needed.
- 6.4 **Legal Officer's comments:** none arising from the contents of this report.

7 Policies, Plans & Partnerships

- 7.1 **Council's Key Priorities:** The following Key Priorities are engaged: Effective Council.
- 7.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 7.3 **Climate & Environmental Impact of recommendations:** None.
- 7.4 **Sustainability Policy & Community Safety Implications:** None.
- 7.5 **Partnerships:** The Council is working in partnership with six other Surrey Councils in terms of securing panel arrangements.

8 Background papers

- 8.1 The documents referred to in compiling this report are as follows:

Previous reports:

Council
23 May 2023

- Appointment of Independent Persons, Council, 30 April 2019

Other papers:

- Advertisement and Information Pack for Candidates; CVs for Candidates