

Council Report

Ward(s) affected: n/a

Report of the Director of Finance

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## **Appointment of Independent Persons under Section 28 Localism Act 2011 (May 2019 - May 2023)**

### **Executive Summary**

Under Section 28 of the Localism Act 2011 (“the Act”) the Council is required to appoint at least one independent person whose views may be sought regarding any allegations of misconduct<sup>1</sup> against a councillor<sup>2</sup> and the arrangements under which any such allegations can be investigated and determined.

There are currently three Independent Persons who were appointed by the Council in 2015 and their term of office will end in May 2019.

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.

It can often be a challenge to find suitable Independent Persons and so in 2012 and 2015, the Council agreed a local arrangement with a number of neighbouring councils to make joint appointments of Independent Persons. At its meeting on 29 November 2018, this Committee agreed to continue the joint arrangements, this time with six other participating Surrey councils.

This report sets out details of the 2019 recruitment process, and those candidates recommended for formal appointment as Independent Persons by this Council for the four year period from May 2019 to May 2023. The report was also considered by the Corporate Governance and Standards Committee, at its meeting on 28 March 2019. The Committee commended the formal appointments as set out in the recommendation.

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<sup>1</sup> Refers to a breach of the Councillors’ Code of Conduct

<sup>2</sup> The views of the Independent person may be sought in regards to an allegation of misconduct against either a Guildford Borough councillor or a parish councillor

## **Recommendation to Council:**

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

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

### Reason for Recommendation:

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

## **1. Purpose of Report**

- 1.1 Following the 2019 recruitment process which was undertaken jointly with a number of other Surrey councils, as approved by the Corporate Governance and Standards Committee in November 2018, to seek the formal appointment of the Council's statutory Independent Persons for a four year term of office expiring in May 2023.

## **2. Strategic Priorities**

- 2.1 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.

## **3. Background**

- 3.1 The Act introduced a new ethical standards regime for local government in July 2012. Amongst other things, it requires the Council 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. At Guildford, the Monitoring Officer decides, after consultation with the Independent Person, 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.
- 3.2 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.
- 3.3 It has often been challenging to recruit suitable volunteers to serve as Independent Persons. Due to the nature of the role, there are parameters set out

in legislation regarding who and who may not be appointed. Consequently, the Council has adopted a pragmatic approach to recruitment of Independent Persons by entering into joint arrangements with other Surrey councils.

- 3.4 Following a joint recruitment and appointments process with a number of other Surrey district councils in 2012 and 2015, our three Independent Persons have performed the same role for Guildford and other councils as follows:
- **Vivienne Cameron** (also IP for Mole Valley, Reigate & Banstead, Spelthorne, and Waverley)
  - **Bernard Quoroll** (also IP for Mole Valley, Surrey County Council and Waverley)
  - **Roger Pett** (also IP for Reigate & Banstead and Spelthorne)
- 3.5 Following the success of the previous joint appointments arrangement, the Democratic Services Manager contacted all the Surrey councils (including Surrey County Council) to enquire as to whether they would be interested in participating in a further joint arrangement for the appointment of Independent Persons for the next four years. Not all Surrey councils were at a point of needing to recruit, but the following councils agreed to participate:
- Epsom & Ewell
  - Mole Valley
  - Reigate & Banstead
  - Spelthorne
  - Surrey Heath
  - Waverley
- 3.6 At its meeting held on 29 November 2018, the Corporate Governance and Standards Committee authorised the Democratic Services Manager to establish a joint appointments panel with participating Surrey councils' monitoring officers so that the panel may:
- (a) advertise for, short-list, and interview candidates and
  - (b) make recommendations to the respective councils
- for the appointment of Independent Persons for a four-year term of office expiring in May 2023.
- 3.7 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.
- 3.8 Our current Independent Persons were each asked if they would be happy to continue in the role until 2023 and, if so, invited to apply for re-appointment. All three confirmed their wish to continue and have formally re-applied.

- 3.9 Following the advertisement period, three new applications were received in total (although none from the Guildford area). All three candidates, namely Paul Eaves, Liz Lawrence, and Bill Donnelly, were invited to be interviewed. The interviews took place on 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.
- 3.10 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 attached to this report as "Not for Publication" Appendices.
- 3.11 It was agreed with all the participating councils that serving Independent Persons, who have re-applied should not have to be interviewed again. Instead, we have asked them to submit up to date CVs. As well as our three current Independent Persons, a fourth Mr John Smith – who is currently serving as Independent Person to Epsom and Ewell – has sought re-appointment. Copies of their CVs are also attached to this report as "Not for Publication" Appendices.

#### **4. Equality and Diversity Implications**

- 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.
- 4.2 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.
- 4.3 The recruitment process has sought to find a variety of candidates that whilst meeting the profile, offer a variety of different backgrounds and experiences.

#### **5. Financial Implications**

- 5.1 The Corporate Governance and Standards Committee agreed on 29 November 2018 that the Independent Persons appointed by this Council shall not be entitled to receive any remuneration other than travelling expenses which will be paid at the same rate as currently provided for councillors under the Scheme of Allowances for Councillors.
- 5.2 There are no other financial implications arising from this report.

#### **6. Legal Implications**

- 6.1 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.

6.2 There are no additional legal implications arising from this report.

## 7. Human Resource Implications

7.1 There are no human resource implications arising from this report.

## 8. Conclusion

8.1 The joint arrangements for appointment of Independent Persons has once again worked very well and will, subject to formal approval of the appointments by the participating councils, provide an effective panel of Independent Persons for those councils over the next four years.

8.2 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 serving Independent Persons as follows:

- Vivienne Cameron
- Roger Pett
- Bernard Quoroll
- John Smith

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

- Bill Donnelly
- Paul Eaves
- Liz Lawrence

## 9. Background Papers

- Advertisement and Information Pack for Candidates

## 10. Appendices

Appendix 1: Ms Vivienne Cameron's CV in support of her application for re-appointment

Appendix 2: Mr William Donnelly's CV in support of his application for appointment

Appendix 3: Mr Paul Eaves' CV in support of his application for appointment

Appendix 4: Ms Liz Lawrence's CV in support of her application for appointment

Appendix 5: Mr Roger Pett's CV in support of his application for re-appointment

Appendix 6: Mr Bernard Quoroll's CV in support of his application for re-appointment

Appendix 7: Mr John Smith's CV in support of his application for appointment

**NB. All the appendices are exempt from publication under Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972**