

ITEM OF URGENT BUSINESS

Corporate Governance and Standards Committee Report

Report of Executive Head of Governance

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Ethical standards – appointment of Independent Persons

Recommendation:

The Committee is asked to authorise the Monitoring Officer,

- (1) to establish a joint appointments panel with participating Surrey councils so that the panel may short-list and interview candidates and make recommendations to the respective councils for the appointment of Independent Persons; and
- (2) to agree appropriate representation on the panel with participating councils.

Reason for Recommendation:

To enable the Council to comply with its obligations under Section 28 of the Localism Act 2011 in respect of the appointment of Independent Persons.

1. Purpose of Report

- 1.1 Following the Council's decision on 19 May 2015 to extend the period of office of its current Independent Persons, namely Tony Allenby, Vivienne Cameron and Roger Pett, until its meeting on 6 October 2015, the Committee is requested to agree arrangements for the selection and interviewing of suitable candidates and to make recommendations to full Council in that regard.

2. Background

- 2.1 The Localism Act 2011 ("the Act") introduced a new ethical standards regime for local government in July 2012. The Act, amongst other things, 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 also 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.
- 2.2 Following a joint appointments process with a number of other Surrey district councils, this Council, in July 2012, appointed Roger Pett as its first Independent Person and subsequently in October 2012, appointed Vivienne Cameron and Tony Allenby as Independent Persons. All three Independent Persons were appointed initially until May 2015. Our three Independent Persons also currently perform the same role for Mole Valley District Council and Spelthorne Borough Council, two of them perform the role for Waverley Borough Council and one for Reigate & Banstead Borough Council.
- 2.3 This Committee's terms of reference include:
- "Agreeing arrangements for the selection and interviewing of candidates for appointment as Independent Persons (including such joint arrangements with other councils as may be deemed by the Monitoring Officer to be appropriate) and to make recommendations to full Council on these appointments".
- 2.4 The Act requires us to advertise any vacancy for an Independent Person in such a manner as we consider is likely to bring it to the public's attention and those interested must submit an application. A majority of members at full Council must agree their appointment.
- 2.5 All three Independent Persons have indicated informally that they would be happy to continue in this role. The councils referred to in paragraph 2.2 above, have indicated that they would be happy to undertake a joint selection process for the purpose of appointing Independent Persons.
- 2.6 As reported to the Council on 19 May 2015, the role of the Independent Person has been expanded to include involvement in disciplinary action against the Head of Paid Service, Chief Finance Officer or Monitoring Officer. This will involve the appointment of a panel for the purpose of advising the Council on matters relating to the dismissal of these officers. The Council must invite Independent Persons to be considered for appointment to the panel with a view to appointing at least two such persons to the panel. It is clear therefore that, in order to provide the necessary capacity and resilience for the participating councils, an appropriate number of Independent Persons will need to be appointed.
- 2.7 A role description and a person specification for an Independent Person is attached as Appendix 1 to this report.

3. Proposed timetable for appointment of Independent Persons

- 3.1 The timetable below sets out the key milestones for the appointment of Independent Persons.

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| Corporate Governance & Standards Committee to agree arrangements for selection and interviewing of candidates jointly with participating councils | 23 July 2015 |
| Place advertisement on participating councils' websites | 30 July 2015 |
| Deadline for submission of applications | 11 September 2015 |
| Shortlisting of candidates for interview | Week commencing 14 September 2015 |
| Interviews of shortlisted candidates | To be confirmed |
| Council to approve appointments | 6 October 2015 |

4. Financial Implications

- 4.1 It is anticipated that the process for the appointment of Independent Persons can be undertaken within existing budgets.

5. Legal Implications

- 5.1 In order to satisfy the very prescriptive requirements of the Act, we are required to advertise any vacancy for an Independent Person in such a manner as we consider is likely to bring it to the public's attention and those interested must submit an application.
- 5.2 In addition, the appointment of an Independent Person must be *approved by a majority of the members of the authority*. This means that any appointment must be approved by at least 25 councillors, not merely a simple majority of councillors present and voting.

6. Human Resource Implications

- 6.1 It is anticipated that the process for the appointment of Independent Persons can be undertaken within existing staff resources.

7. Conclusion

- 7.1 In order to comply with the Council's obligations under Section 28 of the Localism Act 2011 in respect of the appointment of Independent Persons, officers recommend that the Committee authorises the Monitoring Officer,

- to establish a joint appointments panel with participating Surrey councils so that the panel may short-list and interview candidates and make recommendations to the respective councils for the appointment of Independent Persons; and
- to agree appropriate representation on the panel with participating councils.

7.2 It will be up to each participating council to formally approve their Independent Persons following the selection process described above.

8. Background Papers

- Council: 8 May 2012 – Item 9: The Localism Act 2011: Ethical Standards Update
- Minute No. CO15
- Council: 5 July 2012 – Item 12: The Localism Act 2011 – The New Ethical Standards Framework
- Minute No. CO32
- Council: 11 October 2012 – Item 12: Ethical standards – appointment of Independent Persons
- Minute No. CO47

9. Appendices

Appendix 1: Role Description and Person Specification

Note: By reason of the special circumstances described below, the chairman considers that this item should be dealt with at this meeting as a matter of urgency pursuant to Section 100B 4 (b) of the Local Government Act 1972.

Special Circumstances: To enable the Monitoring Officer as a matter of urgency to make the appropriate arrangements to establish a joint appointments panel and agree appropriate representation on the panel with participating councils before the Council approves the appointments on 6 October 2015.