

<b>Item No.</b> 6.6	<b>Classification:</b> Open	<b>Date:</b> 22 March 2023	<b>Meeting Name:</b> Council Assembly
<b>Report title:</b>		Appointment of Independent Persons	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Assistant Chief Executive – Governance and Assurance	

## **RECOMMENDATIONS**

1. That council assembly approves the appointment of the two individuals named in the closed report as independent persons for three years with effect from 1 April 2023, subject to the clearance of satisfactory employment checks.

## **BACKGROUND INFORMATION**

2. Section 28 of the Localism Act 2011 requires provision for the appointment of at least one independent person whose views must be sought and taken into account before the authority makes a decision on an allegation or complaint relating to a member.
3. The independent persons will advise the council prior to any decision to investigate an allegation or complaint relating to whether a member has failed to comply with the code of conduct. The independent persons may be consulted by the council's monitoring officer in respect of an allegation against a member in other circumstances. They may also be consulted by a member or co-opted member of the council against whom an allegation or complaint has been made.
4. Additionally, the views of the independent persons will be considered by the council's audit governance and standards committee or its sub-committees, who are responsible for determining the outcome of any complaints and remedial action. The independent person will therefore be required to attend relevant meetings as and when they are called.
5. These persons cannot be a current or past (i.e. in the last five years) member or co-opted member of the authority or a relative or close friend of someone in this position.
6. The Localism Act 2011 requires that the process to appoint independent persons must be open and transparent and any appointment must be approved by a majority of members of the authority, which in effect requires approval by council assembly.

## **KEY ISSUES FOR CONSIDERATION**

7. The council currently has two independent persons who both had their terms of office extended by council assembly in November 2022 after initial periods of four years. One of these will continue in post until November 2025 and the other is standing down at the end of March 2023. The monitoring officer considers that ideally there should be a minimum of three independent persons appointed by the council at any one time to manage anticipated workloads, availability and avoid any potential conflicts- particularly if advising members.
8. At its meeting held on 17 October 2022 the audit, governance and standards committee noted the application process and appointed a panel comprising three members of the committee to assist the monitoring officer in interviewing applicants with a view to making appointment recommendations to Council Assembly.
9. Following a shortlisting process, the selection panel met on 24 and 26 January 2023 to interview candidates and make a recommendation to council assembly for appointments.
10. Council assembly is asked to appoint the two named individuals set out in the recommendations in the closed report. These were the candidates that the panel proposed for appointment following the interviews. A summary biography for these individuals is set out in Appendix 1 of the closed report.
11. As with independent members in the past, references have been sought and relevant pre-appointment checks have been made. The monitoring officer is satisfied with the outcome of these.
12. The period of appointment is for three years, which can be extended for a further period by council assembly.

## **Community, equalities (including socio-economic) and health impacts**

### **Community impact statement**

13. The position of independent person is required by statute and the individuals appointed play an important part in the work of the council monitoring the probity and conduct of elected councillors for the benefit of the community that the council serves.

### **Equalities (including socio-economic) impact statement**

14. The appointment process for independent persons is an open and transparent one that takes account of the need to ensure that council is complying with the public sector equality duty. The composition of the selection panel was in accordance with the diversity criteria in the council's recruitment process. Overall, the independent persons appointed continue to reflect a diverse representation.

### Health impact statement

15. There is no obvious health impact arising from this report.

### Climate change implications

16. There is no obvious climate change impact arising from this report.

### Resource implications

17. Expenditure relating to recruitment and the annual fixed allowance can be contained within current budgets.

### Legal implications

18. The legal statutory context to this re-appointment is set out above.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Audit Governance and Standards Committee – previous reports and agenda	Constitutional Team, 160 Tooley Street, London SE1 2QH	Chidilim Agada 020 7525 7225

## APPENDICES

No.	Title
Appendix 1	Biography (see closed agenda)

## AUDIT TRAIL

<b>Lead Officer</b>	Doreen Forrester-Brown, Assistant Chief Executive – Governance and Assurance	
<b>Report Author</b>	Allan Wells, Specialist Governance Lawyer	
<b>Version</b>	Final	
<b>Dated</b>	28 February 2023	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Assistant Chief Executive – Governance and Assurance	Yes	Incorporated in report
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	28 February 2023	