

Agenda Item 13
(Standards Committee 21st March 2019)

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Subject	Appointment of Mole Valley District Council's Independent Persons
RECOMMENDED TO COUNCIL	
<ol style="list-style-type: none"> 1. That Mrs V Cameron, Mr B Quoroll and Mr R Pett and Mr J Smith be re-appointed as independent persons pursuant to section 28(7) of the Localism Act for a term of four years expiring on the date of the Annual Council meeting in May 2023. 2. That Mr W Donnelly, Mr P Eaves, Mrs E Lawrence be appointed as independent persons pursuant to section 28(7) of the Localism Act for a term of four years expiring on the date of the Annual Council meeting in May 2023. 	

Council has the authority to determine the recommendations.

1.0 INTRODUCTION AND REQUIREMENTS OF THE LOCALISM ACT 2011

- 1.1 The Localism Act 2011, section 28 (7), requires the standards arrangements adopted by the Council to include provision for the appointment of at least one independent person.
- 1.2 The views of the independent person must be sought and taken into account by the Council before it makes any decision on any allegation of councillor misconduct that it has decided to investigate. The views of the independent person may also be sought by the Council in any other circumstances provided for in the adopted arrangements and also by the Councillor who is the subject of the complaint. This Council's arrangements provide for the Monitoring Officer to seek the views of the independent persons at other stages of the complaints process, e.g. on first receipt in deciding whether there is a potential breach of the code of conduct at all and, if there is, whether it is the public interest to carry out an investigation or seek an informal resolution, or take no further action.
- 1.3 Section 28(8) of the Localism Act 2011 sets out the test of independence in the following terms:

A person cannot be "independent" if he/she –

- (i) Is, or has been within the past 5 years, a member, co-opted member or officer of the Council; or
- (ii) Is, or has been within the past 5 years, a member, co-opted member or officer of any Parish Council in Mole Valley; or
- (iii) Is a relative or close friend, of a person within sub-paragraph (i) or (ii).

1.4 Furthermore, an independent person may not be appointed under the provisions required by Section 28(7) unless -

- the vacancy for the independent person(s) has been advertised in such a manner as the authority considers is likely to bring it to the attention of the public;
- the person(s) has submitted an application to fill the vacancy to the authority, and
- the person(s) appointment has been approved by a majority of all the Members of Council.

2.0 PREVIOUS APPOINTMENTS

2.1 In July 2012, Mole Valley District Council, together with Guildford, Waverley and Spelthorne Borough Councils jointly appointed three Independent Persons (Mr T Allenby, Mrs V Cameron and Mr R Pett).

2.2 In January 2015, the recommendation of the Standards Committee to reappoint the three existing Independent Persons for a period of four years from the Annual Council meeting in May was agreed. At that time, one of the Independent Persons also indicated that they intended to move away. The Monitoring Officers of the three authorities undertook an interview with a new applicant and Mr B Quoroll was appointed as a replacement for the Independent Person who was unable to complete his four-year term.

3.0 ARRANGEMENTS FOR THE APPOINTMENT OF INDEPENDENT PERSONS FROM 2019-2023

3.1 At the Council meeting in February 2019, Members were informed that Mole Valley, together with Epsom and Ewell, Guildford, Reigate and Banstead, Spelthorne, Surrey Heath and Waverley Borough Councils would be participating in the Joint Appointments Panel for the appointment of Independent Persons for the period May 2019 to May 2023.

3.2 In accordance with the requirements of the Localism Act, the joint arrangements involved the placing of an advertisement by the seven participating councils and the deadline for applications was the end of February. All written applications received by each of the seven councils were then shared with the respective Monitoring Officers, who in turn agreed a shortlist of candidates for interview.

3.3 A total of seven applications were received and further details are attached at Appendix 1 (Part II).

- 3.4 Four of the applicants were existing Independent Persons and the Monitoring Officers of the participating local authorities agreed that it was not necessary to re-interview these applicants.
- 3.5 The Joint Appointments Panel then met on two separate occasions (Monday 4th and Thursday 7th March, 2019) to interview the three new applicants. On each occasion, the Joint Appointments Panel comprised three Monitoring Officers.

4.0 RECOMMENDATIONS OF THE JOINT APPOINTMENTS PANEL

- 4.1 The Panel agreed that all of the applicants were suitable for consideration as Independent Persons and they are:

Vivienne Cameron (existing)
William Donnelly (new)
Peter Eaves (new)
Liz Lawrence (new)
Bernard Quoroll (existing)
Roger Pett (existing)
John Smith (existing)

- 4.2 All of the applicants demonstrated (either through the interview process in the case of the three new candidates, or through their previous work as Independent Persons) by reference to their professional experience, well-developed skills of independence, analysis, and fair dealing together with a strong commitment to fairness and good communication. As a result, the Joint Appointments Committee concurred that all seven candidates were suitable to undertake the role of Independent Person and would be able to build trust for all of the parties involved in complaints matters.
- 4.3 It is therefore recommended that the seven named individuals be appointed as Independent Persons for a term of four years, expiring in May 2023.
- 4.4 If agreed, the seven participating authorities will record the occasions when they are required to call upon the Independent Person to ensure that all are used equally. Furthermore, training will be provided to both the new and existing Independent Persons to assist them in their role.

Financial Implications – Councils are able to remunerate appointed Independent Persons such allowances or expenses as they consider appropriate. Mole Valley's Independent Remuneration Panel has previously concluded that the infrequent nature of the work of the Independent Person would make it difficult to justify a specific allowance but travel and appropriate expenses (determined by the Monitoring Officer) would be payable. This arrangement can be accommodated through existing budgets.

Legal Implications – These are set out in the body of the report. It is necessary for Council to approve the appointment of Independent Persons.

5.0 CORPORATE IMPLICATIONS

Monitoring Officer commentary – The Code of Conduct and the arrangements for handling complaints have been prepared in pursuance of the requirements of the Localism Act 2011.

S151 Officer commentary – The S.151 Officer confirms that all relevant financial implications have been taken into account.

Risk Implications - Regular review of arrangements for dealing with alleged breaches of the Members' Code of Conduct will help to satisfy the statutory duty to promote and maintain high standards of conduct by Members. Effective processes will help maintain strong ethical governance and safeguard the Council from damage to reputation.

Equalities Implications - The Council's Standards regime complies with equalities legislation.

Sustainability Issues – There are no implications.

BACKGROUND PAPERS

None