



CONSTITUTION COMMITTEE – 16th SEPTEMBER 2016

JOINT REPORT OF THE CHIEF EXECUTIVE AND THE DIRECTOR OF CORPORATE RESOURCES

APPOINTMENT OF INDEPENDENT PERSONS

Purpose of the Report

1. This report concerns the appointment of Independent Persons to support the Member Conduct Complaints Process as required under Section 7 of the Localism Act 2011, and to support the procedures for dealing with the dismissal of the Chief Executive, the Monitoring Officer and the Chief Financial Officer as required by the Local Authorities (Standing Order) England (Amendment) Regulations 2015.

Background

2. The Localism Act 2011 sets out provisions regarding the conduct of members. It is a requirement under this Act that the Council appoint at least one Independent Person, whose view must be sought and taken into account by the Authority before it makes a decision on any allegation and whose views may be sought about allegations.
3. At its meeting on 26 September 2012, the Council appointed three Independent Persons to form a Panel from which any one could be contacted to advise on particular allegations.
4. The Local Authorities (Standing Order) England (Amendment) Regulations 2015 set out a new procedure for dealing with the possible dismissal of the Chief Executive, the Monitoring Officer and the Chief Financial Officer and this was adopted by the County Council on 8 July 2015.
5. The revised procedures require a Panel consisting of at least two independent persons to consider any proposal to dismiss such a statutory officer and allow for those appointed to support the Member Conduct process to also act in this capacity. Recent guidance from the Joint Negotiating Committee for Chief Executives of Local Authorities, following consultation with the Department for Communities and Local Government, suggest that such a Panel can comprise of only independent persons. A separate report on the agenda for this meeting proposes changes to the County Council's Constitution to this effect.

Applicants

6. The Independent Persons appointed in 2012 were appointed for a period of four years. With their terms of service due to expire, a new recruitment process was undertaken. The position, which would fulfil both roles outlined above, was advertised and interviews were carried out by a Panel of Members drawn from the Corporate Governance Committee and the Employment Committee, supported by the Head of Law (the Deputy Monitoring Officer) and the Assistant Director of Corporate Services.

Proposed Appointments

7. Whilst the Council previously appointed three independent persons, five applicants are recommended for appointment given the additional responsibilities, to allow greater flexibility and to avoid the possibility of a conflict of interest. All of those recommended are eligible, live in Leicestershire and are considered to be suitable candidates.
8. The Appointment Committee met on Tuesday 30th and Wednesday 31st August 2016 to interview the candidates and decided to recommend the following people for appointment:-

Mr Surinder Sharma
 Mr Gordon Grimes
 Mrs Jayne Kelly
 Professor David Bonner
 Mr Michael Pearson

Further details of the above candidates are set out in the Appendix to this report.

Resource implications

9. Any payments made to the independent persons appointed will fall outside the Members Allowance Scheme which only applies to either elected or co-opted members of the Authority. An allowance is not proposed. However, it is considered appropriate that a set fee should be paid for any work undertaken by the independent persons on a daily rate basis and that this should be linked to the allowance paid to jurors. Costs will be met from existing Members Allowance budgets.

Recommendation

10. That the Committee:
- (a) Recommends the County Council appoint Mr Surrinder Sharma, Mr Gordon Grimes, Mrs Jayne Kelly, Professor David Bonner and Mr Michael Pearson to serve as Independent Persons for a term of four years ending on 30 September, 2020;
 - (b) Support the proposals for payment to the independent persons on a daily rate basis in line with allowances paid for jury service.

Background Papers

Report to the County Council on 26th September 2012 – Report of the Appointments Panel – Independent Persons – Standards of Conduct

Report to the County Council on 8 July 2015 – Proposed Amendment to the Officer Employment Procedure Rules

Circulation under the Local Issues Alert procedure

None.

Equality and Human Rights Implications

None.

Officers to contact

Anthony Cross, Head of Law (Deputy Monitoring Officer)
Tel: 0116 305 6169 E-mail: anthony.cross@leics.gov.uk

Gordon McFarlane, Assistant Director of Corporate Services
Tel: 0116 305 6123 E-mail: Gordon.mcfarlane@leics.gov.uk

Mr Surinder Sharma

Mr Sharma has been an Independent Person for the County Council since 2012. He has wide ranging experience gained from working in the public, private and voluntary sectors and has served as Chairman of the Leicester Racial Equality Council, a member of the Equal Opportunities Commission, a Magistrate and an elected member of a local authority.

Mr Gordon Grimes

Mr Grimes, a retired Senior Civil Servant, has recently been appointed as an Independent Person by Leicestershire Borough and District Councils and the Leicestershire Fire Authority. Mr Grimes has also been an Independent Person for the County Council since 2012.

Mrs Jayne Kelly

Mrs Kelly is a solicitor with over twenty five years experience of working in the public sector, once having been the Deputy Monitoring Officer at a local authority.

Professor David Bonner

David Bonner, a specialist in public law who was employed at the University of Leicester since 1974 has been an Independent Person for the County Council since 2012.

Mr Michael Pearson

Mr Pearson was an independent member of the Standards Committees of Leicestershire County Council and Charnwood Borough Council and has recently been appointed as an Independent Person by Leicestershire Borough and District Council and the Leicestershire Fire Authority. Now retired, he previously held a senior management position at Loughborough University.