



CORPORATE GOVERNANCE COMMITTEE: 12 JUNE 2020

APPOINTMENT OF INDEPENDENT PERSONS

REPORT OF THE DIRECTOR OF LAW AND GOVERNANCE

Purpose of report

1. The purpose of this report is to seek the Corporate Governance Committee's approval to the proposed joint approach with the Leicester, Leicestershire and Rutland Combined Fire Authority (CFA) the recruitment and appointment of Independent Persons that will support both organisations' Member Conduct Complaints Process as required under Section 7 of the Localism Act 2011 and also their procedures for dealing with the dismissal of senior officers. For the Council, this is the Chief Executive, the Monitoring Officer and the Chief Financial Officer, as required by the Local Authorities (Standing Order) England (Amendment) Regulations 2015 and agreed by the Employment Committee in June 2015.

Policy Framework and Previous Decisions

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 28 September 2016, the Council appointed five Independent Persons for a period of four years 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.

Background

5. The Independent Persons appointed by the County Council in 2016 were appointed for a period of four years. With their terms of service due to expire in September 2020, a new recruitment process will be undertaken this summer. For both the County Council and the Combined Fire Authority, the Independent Persons will support both member conduct and Chief Officer dismissal processes as outlined above.
6. The Committee on Standards in Public Life completed a review into Local Government Ethical Standards and the recommendations are still being reviewed.

When these have been finalised, the Council will adapt recruitment processes for Independent Persons accordingly.

Proposed Recruitment Process

7. It is proposed that the County Council and the CFA undertake a joint recruitment exercise with a view to a new pool of independent persons being appointed that can support both organisations' member complaints process and the dismissal process for senior officers as outlined above.
8. The opportunity will be advertised and interviews carried out by a Panel of Members drawn from the Corporate Governance Committee and the Employment Committee of both the County Council and the CFA, supported by the County Council's Head of Law (the Deputy Monitoring Officer) and the Assistant Director of Corporate Resources.
9. The regulations permit independent persons to be reappointed. The Monitoring Officer will therefore write to both the Council's and the CFA's existing appointees to thank them for their work to date and confirm that they are welcome to re-apply. As a pool has been in operation, the reference to the Independent Person has been rotated so no single person has been involved in all complaints so as to jeopardise their independence, but their experience would be valuable.
10. Once the recruitment has been completed, although it is intended that a single pool of Independent Persons be appointed for use by both the Council and the CFA, this will be subject to a separate approval process by both Authorities. For the Council, a report will be presented to the Constitution Committee for consideration and thereafter the County Council for approval. It is intended that the number recommended to be appointed be determined by the Appointment Panel as this will depend on the number and quality of applications received.

Timetable

11. The following timetable is proposed:
 - The opportunity be advertised during week commencing 6 July, with a closing date of 24 July.
 - Interviews be conducted in early September
 - A report be presented to the County Council's Constitution Committee for consideration in September and then presented to the County Council for approval in September.
 - Independent Persons be appointed on 30 September 2020 for a term of four years.
12. The outbreak of the coronavirus has impacted the Council's usual working practices including its recruitment processes. The timetable is therefore only indicative and could be subject to change. It is proposed that the Monitoring Officer be authorised to adjust the timetable for the recruitment process as circumstances require. If it proves impossible for the recruitment process to be undertaken by September 2020, then it is further proposed that the Monitoring Officer, following consultation with the Chair of this Committee, be authorised to make such recommendations to the Constitution Committee and full Council as she considers necessary to support the

continued operation of the Council's member conduct process in the interim.

Resource Implications

13. By running a joint recruitment process for both the County Council and the Leicester, Leicestershire and Rutland Combined Fire Authority, economies of scale will be achieved through reduced advertising costs, officer administration time and the servicing of a joint recruitment Panel.
14. Any payments made to the independent persons appointed, for travel and subsistence expenses (where appropriate), will fall outside the Members Allowance Scheme which only applies to either elected or co-opted members of either Authority. An allowance is not proposed.

Timetable for Decisions

15. Provided circumstances permit, following the interviews of the Independent Persons, a report will be presented to the Constitution Committee in September for consideration and to the County Council at its meeting in September for approval of the appointment of the Independent Persons. A similar process and timing will be undertaken for the CFA.

Recommendations

16. The Committee is asked to:
 - (a) agree the proposed joint recruitment process with the Leicester, Leicestershire and Rutland Combined Fire Authority for the appointment of Independent Persons from 30 September 2020 for a term of four years;
 - (b) authorise the Monitoring Officer to agree adjustments to the recruitment timetable with the CFA and if necessary to make recommendations to the Constitution Committee and full Council, following consultation with the Chairman of this Committee, as she considers necessary to ensure the continued running of the Council's member complaints process if the recruitment cannot take place in time for the Council meeting in September 2020.

Background papers

Report to the County Council 28 September 2016 – Report of the Constitution Committee – Appointment of Independent Persons

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=134&MIId=4778&Ver=4>

Circulation under the Local Issues Alert Procedure

None.

Equality and Human Rights Implications

The opportunities will be advertised widely to ensure that a diverse pool of potential applicants is aware of the opportunities available.

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