



CONSTITUTION COMMITTEE: 18 SEPTEMBER 2020

APPOINTMENT OF INDEPENDENT PERSONS

REPORT OF THE CHIEF EXECUTIVE AND THE DIRECTOR OF CORPORATE RESOURCES

Purpose of report

1. This report concerns the appointment of Independent Persons to support the Member Conduct Complaints Process as required under Section 28 (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 Regulations 2001 (as amended).

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. 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.
4. 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.
5. At its meeting on 12 June 2020, the Corporate Governance Committee agreed to undertake a 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.

Background

6. 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 joint recruitment process was undertaken in July with the Leicester, Leicestershire and Rutland Combined Fire Authority (CFA). The position was publicly advertised and an interview process undertaken to recruit a pool of Independent Persons to support both organisations' member complaints process and the dismissal process for senior officers as outlined above. The Interview Panel

consisted of Members drawn from the Corporate Governance Committee and the Employment Committee of both the County Council and the CFA, supported by the Assistant Director of Corporate Resources – Corporate Services and the Head of Law (the Deputy Monitoring Officer).

7. 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 Appointments

8. Whilst the Council previously appointed five candidates, a pool of six candidates is recommended for appointment for the four-year term from 30 September 2020 to cover the joint role of supporting the County Council and CFA, to allow greater flexibility and to avoid the possibility of a conflict of interest. All those recommended are eligible, live in Leicester or Leicestershire and are considered suitable candidates.
9. The regulations permit independent persons to be reappointed. The Monitoring Officer wrote to both the CFA's and the Council's existing appointees to thank them for their work to date and confirm that they were welcome to re-apply. Three of the six proposed appointees are existing Independent Persons for either the CFA or the County Council.
10. The Appointment Committee met on Friday 4 September 2020 to interview candidates and agreed to recommend the following people for appointment:-

Richard Gough
Gordon Grimes
Tina Herring
Hema Kotecha
Surinder Sharma
Pamela Roberts

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

11. Candidates will be appointed for a term of four years until 30 September 2024.

Resource Implications

12. By running a joint recruitment process for both the County Council and the Leicester, Leicestershire and Rutland Combined Fire Authority, economies of scale have been achieved through reduced advertising costs, officer administration time and the servicing of a joint recruitment Panel.
13. 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 will not be paid.

Timetable for Decisions

14. A report seeking approval to appoint the six Independent Persons detailed in paragraph 10 will be considered by the County Council on 30 September 2020.

Recommendation

15. That the Committee recommends the County Council at its meeting in September 2020 appoint Richard Gough, Gordon Grimes, Tina Herring, Hema Kotecha, Surinder Sharma and Pamela Roberts to serve as Independent Persons for a term of four years ending on 30 September 2024.

Background papers

Report to the Corporate Governance Committee 12 June 2020
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=434&MId=6287&Ver=4>

Circulation under the Local Issues Alert Procedure

None.

Equality and Human Rights Implications

16. The opportunities were advertised widely to ensure that a diverse pool of potential applicants was aware of the opportunities available.

Appendix

Proposed Independent Persons 2020

Officer to Contact

Lauren Haslam, Director of Law and Governance
Lauren.haslam@leics.gov.uk
0116 305 6240

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

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

Proposed Independent Persons 2020**Mr Richard Gough**

Mr Gough has been an Independent Person for the Combined Fire Authority since 2012 and was also appointed in the same year, as an Independent Person by Leicestershire Borough and District Councils. He served as a Magistrate on the Leicester Bench for 20 years. His previous career was in the financial services industry. He lives in Wigston Fields.

Mr Gordon Grimes

Mr Grimes, a retired Senior Civil Servant, has been an Independent Person for the Combined Fire Authority and the County Council since 2012; and also for other authorities in Leicester, Leicestershire and Rutland. He lives in Enderby.

Ms Tina Herring

Ms. Herring, now retired from a career in education, has worked as a Head Teacher and also as an inspector with OFSTED. She is currently an independent non-executive Director of Kent County Council's education services company. She lives in Leicester.

Mrs Hema Kotecha

Mrs Kotecha has worked in police forensics for over 13 years and currently works for Dorset Police. She has a wide range of skills including investigating, analysing information, compiling evidence and ensuring that standards are maintained. She lives in Kibworth.

Prof. Surinder Sharma

Prof. 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, has been Chair of the Equal Opportunities Commission, a Magistrate and an elected member of a local authority. He is currently Chairman of the Leicester Racial Equality Council. He lives in Stoneysgate.

Ms Pamela Roberts

Ms Roberts, a retired Civil Servant, has a wide career in public service, including in local government. She has a wide experience of policy formation and delivery, planning and ensuring that standards are maintained. She currently volunteers as a Trustee at a local charity. She lives in Market Harborough.