

## REPORT OF THE CONSTITUTION COMMITTEE

### APPOINTMENT OF INDEPENDENT PERSONS

#### Introduction

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).

#### 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. 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.

#### Application Process

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 was chaired by Mr Rhodes and 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. The Constitution Committee considered the recommendations of the Independent Persons Appointment Committee at its meeting on 18 September 2020 and supported the proposed appointments. Candidates will be appointed for a term of four years until 30 September 2024. The Committee also asked that the County Council's appreciation be conveyed to the outgoing Independent Persons in supporting the Authority to uphold standards with elected members and senior Chief Officers.

### 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.

**Motion to be moved:-**

- a) That Mr R. Gough, Mr G. Grimes, Ms T. Herring, Mrs H. Kotecha, Prof. S. Sharma and Ms P. Roberts, be appointed to serve as Independent Persons for a term of four years ending on 30 September 2024;**
- b) That this Council's appreciation be conveyed to the outgoing Independent Persons in supporting the Authority to uphold standards with elected members and senior Chief Officers.**

18 September 2020

J.B. Rhodes CC  
Chairman

**Background Papers**

Report to the County Council on 28 September, 2016  
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=134&MId=4778&Ver=4>

Report to the Constitution Committee on 18 September, 2020.  
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=150&MId=6366&Ver=4>

**Appendix**

Appendix A – Details of Independent Persons to be appointed.

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