

## **REPORT OF THE CONSTITUTION COMMITTEE**

### **A. 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 the procedure for dealing with the dismissal of the Chief Executive, the Monitoring Officer and the Chief Financial Officer.
4. At its meeting on 30 September 2020, the Council appointed six 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. The Independent Persons appointed by the County Council in 2020 were appointed for a period of four years. With their terms of service due to expire in September 2024, a 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 County Council's Director of Law and Governance and the Assistant Director of Corporate Resources – Corporate Services.

### **Proposed Appointments**

6. A pool of six candidates is recommended for appointment for the four-year term from 25 September 2024 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.
7. The regulations permit independent persons to be reappointed. The Monitoring Officer wrote to both the existing appointees to thank them for their work to date and confirm that they were welcome to re-apply. Four of the six current Independent Persons applied for the position and passed the benchmark set by the Shortlisting Panel for invitation to interview.
8. The Shortlisting Panel concluded that, as the four applicants that were current Independent Persons met the standard for this position, that they should not be interviewed again but have their appointments extended as they had demonstrated their suitability for the role when interviewed in 2020, updated positive references had been received for all four and the requirements for the role had not changed. This mirrored the approach taken in other local authorities and was agreed by the Monitoring Officer and the Appointment Panel.
9. The Appointment Committee met on Wednesday 21 August 2024 to interview candidates for the role and agreed to recommend the following people for appointment, and in some cases reappointment:-

Richard Gough  
Gordon Grimes  
Surinder Sharma  
Pamela Roberts  
John Pilgrim  
Kimberley Kingsley

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

10. Candidates will be appointed for a term of four years until 30 September 2028.
11. Two of the current cohort of Independent Persons (Ms T Herring and Ms H Kotecha) have chosen not to reapply and will cease their role on 25 September when the County Council appoints a new panel of Independent Persons.

### **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.

#### **Equality Implications**

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

#### **Human Rights Implications**

15. There are no human rights implications arising from the recommendations in this report.

#### **Consideration by the Constitution Committee**

16. The Constitution Committee at its meeting on 13 September considered the proposed appointment of Independent Persons. The decision of the Committee is reflected in the motion below.

#### **(Motion to be moved: -**

**(a) That Richard Gough, Gordon Grimes, Surinder Sharma, Pamela Roberts, John Pilgrim and Kimberley Kingsley be appointed to serve as Independent Persons for a term of four years ending on 30 September 2028;**

**(b) That Ms T Herring and Ms H Kotecha be thanked for their valuable work in supporting the Monitoring Officer in the operation of the Members' Code of Conduct complaints process over the last four years.)**

13 September 2024

Mrs D Taylor CC  
Deputy Chairman

**Background Papers**

Report to the Constitution Committee, 13 September 2024 – Appointment of Independent Persons

<https://democracy.leics.gov.uk/documents/s185108/Appointment%20of%20Independent%20Persons.pdf>

**Appendix**

Proposed Independent Persons 2024