

APPOINTMENT OF THE INDEPENDENT PERSON

COUNCIL – 23 April 2013

Report of the: Monitoring Officer

Status: For Decision

Key Decision: No

Executive Summary: This report seeks appointments to be made for the roles of Independent Person and reserve Independent Person for Members Standards introduced by the Localism Act 2011.

This report supports the Key Aim of effective management of Council resources

Head of Service Head of Legal and Democratic Services and Monitoring Officer –
Mrs Christine Nuttall

Recommendation: The Recruitment Panel recommends to the Council that:

- (a) Mr John Linehan be appointed as the Independent Person.
- (b) Mrs Elaine Jackson be appointed as the reserve Independent Person

for the purposes of the Localism Act 2011 and these appointments be effective immediately.

NOTE: Any appointment must be made by a majority of the Members of the Council.

Reason for recommendation: To comply with the requirements of Section 28 of the Localism Act 2011.

Introduction

- 1 At its meeting on 16 October 2012, Full Council appointed Mr John Henderson as the Independent Person for Standards at Sevenoaks District Council. Under the transitional arrangements, Mr Henderson could only serve as the Independent Person for a period of one year as he had previously sat as an Independent Member of the Sevenoaks District Council Standards Committee under the old standards regime. A new appointment is being sought at this time to enable training and support to be provided by the current Independent Person for a three month period prior to hand-over.
- 2 The Localism Act 2011 requires that the views of the Independent Person must be sought on a complaint referred for investigation before the outcome of the complaint is determined. Also, the Member who is the subject of a complaint may discuss the matter with the Independent Person. In addition, Full Council adopted procedures for

dealing with misconduct complaints which requires the Monitoring Officer to consult the Independent Person as part of the Assessment Process.

- 3 On 24th July 2012 Full Council authorised the Monitoring Officer to advertise for no less than one Independent Person. A panel comprising the Leaders of the Political Groups was established to set the allowances and expenses for the Independent Person and to short-list and interview candidates, and to make a recommendation to Full Council.
- 4 The Panel agreed that an allowance of £1,000 for the Independent Person and £500 for a reserve Independent Person should be paid in addition to the usual travel expenses.
- 5 Section 28(8)(c)(iii) of the Act requires any appointment to be approved by a majority of the members of the Council (i.e. at least 28 members in favour)

Application Process

- 6 In accordance with the requirements of the Act, applications for the position of Independent Person were invited by advertisement on the Council's website and via a press release. Following this advertisement, seven applications were received by the closing date of 5pm on 25th March 2013 and interviews were held on 3rd April 2013.
- 7 The Independent Persons Interview Panel comprised Councillor Peter Fleming (Leader of the Conservative Group) and Councillor Mark Fittock (Leader of the Labour Group). Councillor Roger Walshe (Leader of the Liberal Democrat Group) was unable to attend the interviews on the day. The Democratic Services Manager was also in attendance to take notes on behalf of the Panel.
- 8 The following candidates submitted applications and were interviewed by the Panel:

Mrs Joanne Frawley

Mrs Frawley, a resident of Swanley, is a Member of the West Kent Housing Association Board of Governance, a Member of the West Kent Tenants Consultative Committee and Chairman of Swanley White Oak Action Group.

Mrs Elaine Jackson

Mrs Jackson, a resident of Rainham in Kent, is an Office Advice Manager for Shelter in the East of Kent and is the Chairman of the Governing Body of Rainham Mark Grammar School

Mrs Jackie Turner

Mrs Turner, a resident of Tunbridge Wells, is a full time mother and had previously worked in Human Resources at Visit London.

Mr John Linehan

Mr Linehan, a resident of Lenham, is a retired Civil Servant. During his Career Mr Linehan had various overseas postings and was Chief Immigration Officer based at Dover and the Channel Tunnel.

Ms Carol Anne Bayes

Ms Bayes, a resident of Farningham, is a Senior Neighbourhood Auditor for Affinity Sutton Homes. Prior to this, Ms Bayes had been a Housing Special Investigations Manager at the London Borough of Southwark. In 2008, Ms Bayes had been a School Governor at High Firs Primary School in Swanley, Kent.

Mr Jonathan Drury

Mr Drury, a resident of Sevenoaks, is a retired Social Worker who throughout his career held positions in a number of local authorities.

Mrs Roberta Fairclough

Mrs Fairclough, a resident of Otford, has been a Member of the Independent Monitoring Board (IMB) for HM Prison Maidstone and the UKBA Immigration Removal Centre at Gatwick for fifteen years and Chairman of the Board for six years.

Interview Process

- 9 All seven candidates were scored against the same assessment criteria drawn from the job description and person specification. The Interview Panel asked the same questions to all of the candidates to ensure consistency.
- 10 The interview Panel, after thorough examination of the job description, person specification, application forms and interviews have recommended that the Council appoint Mr John Linehan as the Independent Person and Mrs Elaine Jackson as the reserve Independent Person.

Key Implications

Financial

In accordance with the process approved by Council on 24th July 2012, the Interview Panel agreed that the position of Independent Person should attract an allowance of £1000 per annum and the position of reserve £500. These sums can be contained within the existing Members Allowances budget that includes provision for payments to the Independent and Town/Parish Members of the previous Standards Committee.

Community Impact and Outcomes

As the legislation sets out clearly that an authority must promote and maintain high standards of conduct by Members and Co-opted Members of the Authority, the Community should not be aware of any impact or outcomes as it is anticipated that a seamless transfer to the new Independent Person will take place.

Legal, Human Rights etc.

The Council is required by the Localism Act 2011 to appoint at least one Independent Person as part of the arrangements in place to demonstrate the promotion of good ethical governance. It provides an opportunity to retain confidence in the ethical governance of the District, Town and Parish Councils and demonstrates a commitment to public accountability for the actions of the Members.

Equality Impacts

It is suggested that there are no specific equality implications arising from these proposals. These proposals do not have any particular implications regarding one “protected group” over another. The appointment followed an open recruitment process ensuring that the recommended candidates were selected on merit.

Background Papers:

The Localism Act 2011 – The New Standards Regime (Monitoring Officer’s Report to Council – 24 July 2012)

Candidate Application Forms (The recruitment documents contain personal information and, as such, are exempt under paragraph 1 of Schedule 12A of the Local Government Act 1972 as amended.)

Contact Officer(s):

Philippa Gibbs, Democratic Services Manager (Ext. 7247)

Christine Nuttall
Monitoring Officer