



ADUR & WORTHING
COUNCILS

Joint Audit and Governance Sub
Committee
11 March 2025

Appointment of Independent Persons for Standards

Report by the Director for Sustainability and Resources

Executive Summary

1. Purpose

- 1.1. To consider the recent recruitment process undertaken to appoint two new Independent Persons for Standards.
- 1.2. To consider the previous good services of the outgoing Independent Persons for Standards.

2. Recommendations

- 2.1 That the Joint Audit and Governance Sub Committee considers the contents of this report (including the interview process which took place on 26 February) and makes the following recommendations to Adur District Council and Worthing Borough Council:-
 - a) That the Councils approve the appointments of John Robinson and John Dimmer to the positions of Independent Persons for a term of up to four years;

- b) Agree that the appointments will be subject to termination, by either party, during the term;
- c) Agree the appointment of John Robinson and John Dimmer as co-opted non-voting members of the Standards Committee; and
- d) Records its thanks to the outgoing Independent Persons, Lindsay Viljoen and Simon Norris-Jones for their excellent services and support to the Councils.

3. Context

- 3.1. The two outgoing Independent Persons for Standards (Simon Norris-Jones and Lindsay Viljoen) have (respectively) provided between them 9 and 4 years of service to the Councils. Their terms of office have now come to an end and the Monitoring Officer is required to appoint two new Independent Persons. The Monitoring Officer would like to express her utmost gratitude to the outgoing Independent Persons for their support, good reasoning and assistance with Standards matters.
- 3.2. Lindsay Viljoen is currently an independent co-opted Member of the Joint Audit & Governance Committee for audit purposes. Simon Norris-Jones has recently stood down from this position and the committee expressed their thanks to him for his audit assistance at the Joint Audit & Governance Committee that took place on 29th January 2025.
- 3.3. On the 26 February 2025 Sub-Committee members met as a panel, to undertake interviews to appoint two new Independent Persons for Standards. The interview process was rigorously applied to three applicants and the panel spent some time assessing the outcome of the interviews held on 26 February 2025.
- 3.4. In terms of standards the Committee leads on the Council's duties to design, implement, monitor, approve and review the standards, ethics and probity of the Council, its Councillors and Co-opted Members. The Committee also has authority to recommend to the Councils the appointment of the Independent Persons, who are responsible for reviewing complaints, assisting the Monitoring Officer, facilitating

investigations, making recommendations, maintaining confidentiality, independence and impartiality.

- 3.5. It is a procedural requirement set out in the Standards Procedure Rules that the views of the Independent Person are to be sought and taken into account by the Monitoring Officer on the assessment stage of a complaint that alleges that a Member has breached their Code of Conduct. Further, it is a statutory requirement under the Localism Act 2011 that the views of the Independent Person are sought and taken into account, before a decision is made on such a complaint that has been investigated. The Independent Persons' views may also be sought by the Councils at any other stage, or by the Subject Member facing the allegation.
- 3.6. The independent person is an independent quality assurance role, rather than a decision maker; independence and impartiality are therefore crucial. If a code of conduct complaint is dealt with by way of a hearing of a Sub-Committee of the Joint Audit & Governance Committee, the Independent Person appointed to the matter, would be expected to sit on the Sub-Committee as a non voting Member, providing independent views to the Committee.
- 3.7. Section 28 of the Localism Act 2011 requires the Councils to appoint at least one Independent Person to advise the Councils, the Monitoring Officer and any Member of the Borough, District or Parish Councils who is subject to an allegation.
- 3.8. Section 28 also provides that a person is not an independent person if they:-
 - are or have within the last five years, been a Member, Co-opted Member or Officer of Adur District Council or Worthing Borough Council; or
 - are, or within the last five years have been, a Member, Co-opted Member or Officer of Lancing Parish Council or Sompting Parish Council; or
 - are a relative or close friend of a person who is a Member, Co-opted Member or Officer of Adur District Council, Worthing

Borough Council, Lancing Parish Council or Sompting Parish Council.

- 3.9. The section further provides that a person may not be appointed as an independent person unless:
- the vacancy for an Independent Person has been advertised in such a manner as the Councils consider is likely to bring it to the attention to the Public; and
 - the person has submitted an application to fill the vacancy to the Councils; And
 - the person's appointment has been approved by a majority of the Members of each of the two Councils.
- 3.10. This report recommends the appointment of two new Independent Persons who as required by Section 28 are suitable persons to be appointed and the vacancies were appropriately advertised on social media channels and on the Councils' website.
- 3.11. Training will be provided to those appointed soon after their appointment, and they should not be allocated any casework prior to such training being completed. Sufficient time should be allowed for those appointed to gain and apply experience in the work of an Independent Person.

4. Issues for consideration

- 4.1. Under the Councils' Constitutions, the Council may appoint up to three Independent Persons for Standards. It is recommended that the Councils have two Independent Persons for support to both the Monitoring Officer and Subject Member of a complaint. The appointments are to be reviewed from time to time during the four year period.
- 4.2. Given the dedicated service given by Lindsay Viljoen and Simon Norris Jones, the Sub-Committee is asked to give consideration to recommending to Full Council that their service be recognised and thanks be given.

5. Engagement and Communication

- 5.1. An extensive recruitment process has been undertaken via social media and the Council's website
- 5.2. The previous independent persons were contacted about the legislative position concerning future appointments
- 5.3. The Joint Chairs of the Governance Committee were consulted about the appointment process and vacancies

6. Financial Implications

- 6.1. There are no financial implications arising directly from this report. Whilst the role is a voluntary role, there is a goodwill payment of £100 per meeting, plus reasonable expenses, paid to each Independent Person in respect of each meeting they attend to support the Standards procedure. This is paid from existing budget provision.

7. Legal Implications

- 7.1. Section 27 Localism Act 2011 provides that an Authority must promote and maintain high standards of conduct by members and co-opted members of the authority.
- 7.2. Further, section 27 Localism Act 2011 provides that an Authority must adopt a code dealing with the conduct that is expected of Members and Co-opted Members of the authority when they are acting in that capacity.
- 7.3. Section 28 of the Localism Act 2011 requires that the Councils appoint an Independent Person and the steps that must be undertaken within the process.
- 7.4. Section 28 8 (c) (iii) Localism Act 2011 provides that an Independent Person's appointment must be approved by a majority of the Members of the Authority. The Joint Governance Sub Committee can therefore

only make recommendations to Council who may confirm the appointments.

- 7.5. Section 102(3) of the Local Government Act 1972 permits the Council to appoint persons who are not members of the Council to a committee, other than a committee for regulating and controlling the Council's finances or the finances of the Council's area.
- 7.6. In accordance with section 13(1)(a) of the Local Government and Housing Act 1989, the Independent Persons may not vote when sitting on the Standards Committee

Background Papers

- 28.01.2020 Joint Governance Sub - Committee reports and Agendas

Officer Contact Details:-

Joanne Lee

Assistant Director for Legal and Democratic Services and Monitoring Officer

joanne.lee@adur-worthing.gov.uk

Sustainability & Risk Assessment

1. Economic

- Matter considered and no issues identified.

2. Social

2.1 Social Value

- Matter considered and no issues identified.

2.2 Equality Issues

- Equality issues are considered as part of the recruitment process in addition Equality issues are considered as part of the Monitoring Officer function concerning standards matters

2.3 Community Safety Issues (Section 17)

- Matter considered and no issues identified other than the Standards regime has regard to the ethical conduct of Members.

2.4 Human Rights Issues

- Any Standards matter or hearing to be held before the Joint Audit and Governance Sub-Committee (for standards) would be based on the principles of natural justice and comply with the Human Rights legislation, particularly the right to a fair hearing.

3. Environmental

- Matter considered and no issues identified.

4. Governance

- Upholding high standards of conduct and probity amongst Members is paramount and breaches of the Code of Conduct have an adverse effect on public confidence in the democratic process and adversely affect the reputation of the Council. The role of the independent person is key to upholding high standards