



ADUR & WORTHING
COUNCILS

Joint Governance Committee
22 September 2020
Agenda Item 10

Ward(s) Affected: All

Recruitment and Appointment of Independent Persons

Report by the Monitoring Officer

Executive Summary

1. Purpose

- 1.1. To consider the Council's recruitment and appointment of Independent Persons

2. Recommendations

- 2.1. The Joint Governance Committee is asked to note the updated position in respect of the forthcoming recruitment process for additional Independent Persons.
- 2.2. That the Joint Governance Committee recommend to Adur District Council and Worthing Borough Council that the appointment of Mr Simon Noris-Jones as an Independent Person be extended for a further term of 4 years.

3. Context

- 3.1 The Joint Governance Sub-Committee's terms of reference enable it to consider applications from Independent Persons for the purposes of Standards and to make recommendations to each full Council in respect of appointments.
- 3.2 The Councils are statutorily obliged to appoint at least one Independent Person (IP). Such IP's are co-opted non-voting Members of the Joint Governance Committee.
- 3.3 In terms of standards, ethics and probity, the Joint Governance Committee, including the IP's are responsible for:
- Leading on the Councils' duties to design, implement, monitor, approve and review the standards of ethics and probity of the Council and its Councillors and Co-opted Members.
 - Promoting a culture of openness, accountability and probity in order to ensure the highest standards of conduct;
 - Leading on all aspects of corporate governance by promoting the values of putting people first, valuing public service and creating a norm of the highest standards of personal conduct;
 - Overseeing and managing a programme of guidance, advice and training on ethics, standards and probity for Councillors and Co-opted Members;
 - Being responsible for the Council's Register of Members' Interests;
 - Exercising the functions of the Councils in relation to the ethical framework, corporate governance and standards of conduct of joint committees and other bodies.
- 3.4 It is a statutory requirement that the views of the IP must be sought and taken into account by the Council before it makes its decision on an allegation that a Member has breached the Code of Conduct, that it has decided to investigate. Legislation also provides that their views may be sought by the Councils or their Monitoring Officer at any other stage in the procedure when a complaint of a breach of the Code of Conduct is considered, or by the Member facing the allegation (Subject Member). The Councils' MO routinely consults with the IP at the assessment stage of every complaint.
- 3.5 The IP 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 Governance Committee, the IP appointed to the matter, would be expected to sit on the Sub-Committee as a non-voting Member, providing independent views to the Committee.

- 3.6 The Localism Act 2011 further provides that a person cannot be an IP if they:
- a) Are a Member, Co-opted Member or Officer of the Authority
 - b) Are a Member, Co-opted Member or Officer of a Parish Council within the District of Adur
 - c) Are a relative or close friend of a Member, Co-opted Member or Officer of the Authority or one of its Parishes
 - d) Are, or have been within the last 5 years, a Member, Co-opted Member or Officer of Adur District Council or Worthing Borough Council, or one of their Parishes.
- 3.7 The Localism Act further provides that a person can only be appointed if the vacancy for an IP has been advertised in such a manner as the Councils consider is likely to bring it to the attention of the public. The candidate must submit an application to fill the vacancy and the proposed appointment must be approved by a majority of the Members of each full Council.
- 3.8 In January of this year, the Joint Governance Committee received a report where they determined that payment should be made to Independent Persons for their attendance at Committee meetings and their reasonable expenses.

4. Issues for consideration

- 4.1 In January 2020, members of the Joint Governance Committee authorised the Monitoring Officer to start a recruitment process for the additional appointment of Independent Persons, confirming that they wished to secure the appointment of three Independent Persons. The Committee on Standards in Public Life have recommended that every Council has at least 2 Independent Persons and it therefore seems appropriate to have three, all of whom would be responsible for assist the Joint Committee in relation to ethics and standards matters of both Adur District Council and Worthing Borough Council.

- 4.2 The recruitment process has been delayed due to the current global pandemic; it was not consider the best time to run a recruitment process to obtain the best response and maximise the pool of applicants. As a consequence of the pandemic the recruitment process was therefore delayed.
- 4.3 It is now necessary for the Council's to run a recruitment process with a view to making further appointments.
- 4.4 The Council's currently have 2 Independent Person's appointed; both of these appointments come to an end in October 2020. One of them, Mr Simon Norris-Jones has indicated that he would like to stand for a further term of office until October 2024. Mr Simon Norris-Jones was interviewed by a Sub-Committee of the Joint Governance Committee in October 2016, who recommended his appointment for a term of office of 4 years to both Councils. Mr Norris-Jones appointed was confirmed by the Councils at their October 2016 meetings.
- 4.5 Mr Norris-Jones has proved to be a committed, highly competent and skilled independent person and his independent and impartial advice, both to the Monitoring Officer, Subject Members, and to the Committee has been very valuable. It is proposed therefore that Members of the Joint Governance Committee will agree to recommend to each Council that his appointment be extended for a further 4 year term from October 2020 to October 2024.
- 4.6 In the meantime, Officers have prepared advertisements to secure further candidates for appointment which will be placed in the local press and on the Council's website shortly. There will also be some targeted recruitment in an attempt to maximise the pool of suitable applicants for the role.
- 4.7 Respondents to the advert will be shortlisted by the Monitoring Officer, in consultation with the Joint Chairmen of the Joint Governance Committee. It is anticipated that a Sub Committee of the Joint Governance Committee will be convened in November 2020 to give Members the opportunity of interviewing a shortlist of candidates. Members may wish to consider inviting the existing Independent Person to join the Sub Committee as a co-opted non voting Member to offer advice on the recruitment process. It is anticipated that the Sub Committee of the Joint Governance Committee will report to the Joint Governance Committee in November 2020 who will

then make recommendations in respect of appointments to each full Council at their meetings in December 2020.

- 4.8 It is anticipated that the Councils will have secured the appointment of three Joint Independent Persons by December 2020.

5. Engagement and Communication

- 5.1 Consultation has taken place with the Chairmen of the Joint Governance Committee and the Council's Independent Person.

6. Financial Implications

- 6.1 The recruitment costs of appointing new Independent Persons will be met from existing budgets.

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 Section 28 Localism Act 2011 requires that the Councils appoint an Independent Person and the steps that must be undertaken in the process.
- 7.3 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.

Background Papers

- Localism Act 2011
- Report to Joint Governance Sub-Committee, 17th October 2016
- Local Government Ethical Standards: A review by the Committee on Standards in Public Life, January 2019
- Report to Joint Governance Committee, 28th January 2020

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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

Matter considered and no issues identified.

2.3 Community Safety Issues (Section 17)

Matter considered and no issues identified.

2.4 Human Rights Issues

Where appropriate within the Constitution, such as in relation to quasi-judicial meetings including meetings of the Joint Governance Sub-Committee held to determine allegations of breaches of the Code of Conduct, the requirements of the Human Rights Act have been taken into account in appropriate procedures.

3. Environmental

Matter considered and no issues identified.

4. Governance

The role of the Independent Person is an important one as it ensures independence and impartiality in the process of considering allegations that Members have breached the Code of Conduct and therefore enables the Councils to comply with their obligation of upholding high standards of conduct and ethics.