

ANNUAL MEETING OF THE COUNCIL

29 APRIL 2025

REPORT OF CORPORATE DIRECTOR (LAW & GOVERNANCE) & MONITORING OFFICER

A.5 INDEPENDENT PERSONS RECRUITMENT

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To approve the recommendations from the Interview Selection Panel (Standards Committee meeting 24 October 2024 minute no. 25) to appoint Mrs Sue Gallone, Mr David Irvine, Mrs Sheila Murphy and Mrs Jane Watts as the Council's Independent Persons for the purpose of the Standards Framework for a term of four years.

All of the recommended appointments are to be for the period expiring at the Annual Council meeting in May 2029.

EXECUTIVE SUMMARY

Independent Persons

The Localism Act 2011 requires each local authority to appoint an Independent Person to work with the Council's Monitoring Officer within the Standards Framework and support the Standards Committee and Sub-Committee. Tendring District Council has an adopted Independent Person Protocol which forms part of the Council's Constitution at Part 6.39 to 6.41.

Members' Interview Selection Panel

On 10 April 2025, a Panel consisting of Councillors Wiggins and Morris, together with the Council's Monitoring Officer, Corporate Governance, Performance and Procurement Manager and the Legal Governance Officer interviewed candidates who had applied for the role. The Panel asked the candidates the same questions and evaluated all responses equally, and upon scoring felt that each of the recommended candidates would bring a high quality and a particular range of skills and experience to the role, as demonstrated through the process. As a result of the interviews the Panel recommends to Council the appointments as set out below.

The existing Independent Persons are currently appointed until Annual Council, having been previously appointed in 2018 and extended to 2025, as per Council Minute no.14.

RECOMMENDATION(S)

It is recommended that:

- a) Tendring District Council continues to appoint four Independent Persons for the purposes of the Council's Standards Framework, for a four-year term until Annual Council in 2029, with an allowance of £600 per annum plus expenses;
- b) subject to (a) and following the outcome of the Standards Committee's interview panel, Mrs Sue Gallone, Mr David Irvine, Mrs Sheila Murphy and Mrs Jane Watts

are appointed as the Council's Independent Persons be with immediate effect;

- c) Council notes that further decisions on the term of the Independent Persons may be required, in light of the emerging Local Government Reorganisation programme; and**
- d) Council expresses its gratitude to Mrs Clarrisa Gosling for her dedication to the role of the Independent Person for Tendring District Council for 11 years from 2014 and then also when she became a member of the Independent Remuneration Panel.**

REASON(S) FOR THE RECOMMENDATION(S)

That the appointments of the four Independent Persons referred to above are agreed by Council, as required by the Localism Act 2011 to appoint at least one Independent Person to work with the Council's Monitoring Officer within the Standards Framework.

ALTERNATIVE OPTIONS CONSIDERED

At the meeting of the Standards Committee on 24 October 2024, the Committee was advised that the roles of Independent Persons were available through the Public Law Partnership (covering Essex, Hertfordshire and Suffolk) and that could be called on by any Authority, subject to the necessary approvals through formal appointments. Those arrangements were considered appropriate to use where capacity or conflicts of interest were an issue. Whilst the Council had previously approved and adopted this flexibility, using the pool had not been required due to this Council having four Independent Persons. Therefore, it was still considered prudent for Tendring District Council to continue recruiting and appointing its own Independent Persons whilst retaining the flexibility of a wider pool to call upon if necessary.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The existence of sound governance, internal control and financial management practices and procedures are essential to the delivery of corporate priorities supported by effective management and forward planning within this overall framework.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Section 28(6) and (7) of the Localism Act 2011 requires the Council to appoint at least one Independent Person to work with the Monitoring Officer within the Standards Framework. In accordance with the Council's Constitution, the advertisement of vacancies of Independent Person(s), the review of applications received, the interview of suitable candidates and the making of recommendations to Council as to who should be appointed, are delegated to the Chief Executive or Monitoring Officer.

However, as this independent role has strong engagement with Councillors, it was considered appropriate that representatives from the Standard Committee were involved in the recruitment process.

FINANCE AND OTHER RESOURCE IMPLICATIONS

At its meeting on 24 October 2024, the Standards Committee resolved that the proposal to

recruit four Independent Persons, for a term of office for four years at the suggested allowance of £600 per annum plus expenses be supported (subject to Full Council approval on appointment).

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	As stated within Finance and other resource implications.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	Advertisement of vacancies, interview and recommendation of appointment to Full Council has been delegated to the Chief Executive and Monitoring Officer.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	Nothing to add in the context of this report.

MILESTONES AND DELIVERY

The appointment of the four Independent Persons if approved by Council and the completion of any associated training that may be required.

ASSOCIATED RISKS AND MITIGATION

That by not appointing at least one Independent Person, the Council would not be adhering to Section 28(6) and (7) of the Localism Act 2011, requiring the Council to appoint at least one Independent Person to work with the Monitoring Office within the Standards Framework.

The Committee on Standards in Public Life (CSPL) published a report in 2019 in which it recommended that the role of Independent Person should be a fixed term of office for two years and renewed once. Whilst it was understood how this approach could demonstrate a perception of independence, the competencies required for the Independent Persons to demonstrate confidence in the arrangements and the training necessary required dedicated resources being committed by the Council, to ensure the role was sufficiently performed.

OUTCOME OF CONSULTATION AND ENGAGEMENT

Members of the Standards Committee previously provided comment on the content of the Independent Persons' Recruitment Pack. The vacancies were advertised on the Council's website.

EQUALITIES

In line with the Public Sector Equality Duty, public bodies such as the Council must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment and victimisation to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Independent Persons' Recruitment Pack does not impact on the protected characteristics.

SOCIAL VALUE CONSIDERATIONS	
There is an element of social value relating to the Independent Persons' role in that the public must have confidence that complaints raised against Members that relate to the Members' Code of Conduct will be looked at in a fair manner. The Recruitment Pack and interview process are considered robust to ensure this confidence.	
IMPLICATIONS RELATED TO DEVOLUTION AND/OR LOCAL GOVERNMENT REORGANISATION	
There are no direct implications arising from the recruitment process for the Independent Persons. However, on the basis that the appointments would be for four years there will be a need for consideration of the position for those appointees in respect of the last 12-15 months of the appointment that would involve the relevant (Shadow) new Unitary Council on the basis that the Government implements local government reorganisation across Greater Essex from 1 April 2028. Likewise, appointees may wish to consider their position at that time also.	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050	
Not applicable.	
OTHER RELEVANT IMPLICATIONS	
Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.	
Crime and Disorder	-
Health Inequalities	-
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	-
Area or Ward affected	All wards
ANY OTHER RELEVANT INFORMATION	
None	

PART 3 – SUPPORTING INFORMATION

BACKGROUND
<p>The following recruitment process was undertaken for the roles of Independent Person referenced throughout this report:</p> <ul style="list-style-type: none"> • Up to four people are to be appointed to serve in the role of Independent Person • An allowance of £600 per annum has been allocated for payment to each person • A recruitment pack was produced incorporating comments from the Standards committee and subsequently advertised on the Council's website • Interviews have been undertaken by a joint Member/Officer panel • The recommended appointments by the Panel are contained within this report to Full Council for approval <p>The Committee on Standards in Public Life (CSPL) reported the outcome of their national</p>

review in a report published in January 2019, which included a number of recommendations relating to Local Government Ethical Standards. The report also includes a number of Best Practice recommendations, those which relate to the role and responsibilities of the Independent Person were:

Recommendation 8 – The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once. Whilst the following did not translate into the formal recommendation or within the list of best practice, the CSPL report stated, *“The terms of multiple Independent Persons should ideally overlap, to ensure a level of continuity and institutional memory”*.

In the letter from Kemi Badenoch MP (Minister of State for Equalities and Levelling Up Communities) to Lord Evans, Chair, Committee on Standards in Public Life dated 18th March 2022, in response to this recommendation it was stated, *“The Government does not accept this recommendation as appropriate for legislation on the basis that it would be likely to be unworkable. The Government’s view is that it would be more appropriately implemented as a best practice recommendation for local authorities. In principle, it may be attractive to limit the terms Independent Persons serve to keep their role and contribution “fresh” and avoid them becoming too closely affiliated with the overriding organisational culture. However, discussions with Monitoring Officers indicate that in practice most local authorities would likely find servicing this rate of turnover unachievable. There is frequently a small pool of people capable and willing to undertake the role, who also fit the stringent specifications of being amongst the electorate, having no political affiliation, no current or previous association with the council, and no friends or family members associated with the council. When local authorities have found effective Independent Persons who demonstrate the capability, judgement and integrity required for this quite demanding yet unpaid role, it is understandable that they may be reluctant to place limitations on the appointment.”*

CSPL Best Practice 7: Local authorities should have access to at least two Independent Persons.

CSPL Best Practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious or trivial.

The Council has an adopted Independent Person Protocol which forms part of the Constitution (Part 6.39-41).

PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.

At the meeting on 27 November 2018, Council agreed the appointment of Mr David Irvine, Mrs Clarissa Gosling, Mrs Jane Watts and Mrs Sue Gallone as the Council’s Independent Persons for the purposes of standards arrangements.

The appointments as Independent Persons (IPs) were extended for a year from May 23-24, at Full Council on 22nd November 2022 (Minute no. 52).

At its Annual Council meeting on 30th April 2024, Tendring District Council approved (Minute no. 14) that –

1. The previous local arrangements for joint appointments to both roles, being the

- Independent Remuneration Panel and Independent Persons ceases;
2. Future arrangements continue to be explored for a joint Independent Remuneration Panel with other Councils, and the delegation for recruitment be extended to the Chief Executive and Monitoring Officer for recommendations to be made to a future meeting of Full Council;
 3. For the purposes of (b) above the term of office of future Independent Remuneration Panel members be for a period of up to 7 years, being staggered if appropriate, to cover the Review of the Members' Allowances Scheme for 2026/27 and into the net term of office for District Councillors; and
 4. The term of office for those Independent Persons who express an interest in doing so, be extended for a further year without an application process, in order to allow a separate recruitment exercise to be undertaken for the sole role of Independent Person.

Standards Committee 24 October 2024 minute no. 25 **RESOLVED** that:

- a) The contents of the Monitoring Officer's report (A.1) be noted;
- b) the proposal to recruit four Independent Persons, for a term of office for four years at the suggested allowance of £600 per annum plus expenses be supported (subject to Full Council approval on appointment);
- c) the Committee endorses previously appointed Independent Persons being permitted to reapply for this role;
- d) the recruitment pack for the role of the Independent Persons, as amended by the Committee's earlier resolution detailed above, be supported; and
- e) the Chairman of the Committee, the Vice-Chairman of the Committee and Councillor Alexander (with Councillor Newton as the designated substitute Member) be authorised to form part of the Interview Panel for Independent Persons.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

None

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