

COUNCIL	AGENDA ITEM No. 15(b)
30 JANUARY 2013	PUBLIC REPORT

RECOMMENDATION OF APPOINTMENT TO INDEPENDENT PERSON

R E C O M M E N D A T I O N S
FROM : Helen Edwards, Solicitor to the Council & Monitoring Officer
That Council approves the recommendation by the Audit Committee to appoint Gillian Holmes as the Independent Person for Peterborough City Council.

1. PURPOSE AND REASON FOR REPORT

- 1.1 The Localism Act 2011 requires that all Local Authorities must appoint at least one Independent Person. The role of the Independent Person is to oversee the process for dealing with allegations that a member has breached the Members' Code of Conduct.
- 1.2 The arrangements adopted by Full Council in July include provision for the appointment of one Independent Person and one Deputy Independent Person.
- 1.3 The legislation dictates that the actual appointment must be a decision undertaken by Full Council.

2. BACKGROUND (& CONSULTATION)

- 2.1 At Full Council in April 2012 the Monitoring Officer was given delegated powers to devise and implement a procedure for recruiting one or more "Independent Persons", subject to approval of such appointments by Council.
- 2.2 The Independent Person has three main functions:
 - The Independent Person must be consulted and their views taken into account before the Council makes a decision on any allegation it has decided to investigate (i.e. at hearing stage).
 - The Independent Person may be consulted by the Council in other circumstances related to "standards" issues; e.g. at the point at which a complaint is received, or more generally regarding ethical issues.
 - The Independent Person may be consulted by a member of the authority against whom an allegation has been made.

This last role could give rise to a conflict of interest if, for instance, the Monitoring Officer has already consulted, or needs to consult, the Independent Person. It is considered prudent therefore to appoint more than one Independent Person.

- 2.3 Although the regulations permitted former independent members of the previous Standards Committee to be appointed as the Independent Person until March 2013, the Group Leaders considered that it would be preferable to have a clean break from the old system by appointing new Independent Persons.
- 2.4 Two recruitment campaigns have been completed. The first proved unsuccessful, with no applicants at all. During the second recruitment campaign, Independent Persons of other Cambridgeshire Authorities were approached, because the original recruitment campaign had failed to attract anyone to take up the role in Peterborough. Following the second campaign, three candidates were interviewed. The interview panel consisted of the Monitoring Officer and Deputy Monitoring Officer. Two of the candidates had previously been heavily involved in the old standards regime and for this reason the Audit Committee did not wish to recommend their appointment to Full Council. Council had previously expressed a view that it wished to make a clean break from the old regime. This was a rejection of the Monitoring Officer's recommendation that at least one of these people was appointed as the Deputy Independent person, at least until another person could be recruited who had not been involved in the previous regime. The interview panel considered the third candidate to have relevant background and suitability, therefore it was recommended to the Audit Committee that a recommendation be made to Full Council to appoint this candidate as Independent Person. A sub-committee of the Audit Committee met with the prospective Independent Person Gillian Holmes on 19th December 2012 and following this meeting it was agreed the Audit Committee will endorse the recommendation to Council that Gillian Holmes' be appointed as the Independent Person.
- 2.5 The candidate being recommended for appointment to the position of Independent Person is Mrs Gillian Holmes. Mrs Holmes is qualified Solicitor, admitted in 1992. A summary of Mrs Holmes' experience, relevant expertise, skills and attributes are attached at Annex A.
- 2.6 Council has already approved an annual payment of £1000 per annum to the Independent Person and £500 for the role of Deputy. The Independent Persons are not paid a members allowance. The payment is a retention fee as the Independent Persons will not be co-opted members of the Council. This means that a clause must also be included in the agreement with the Independent Person that they are also subject to the new Code of Conduct and must declare any disclosable pecuniary interests.
- 2.7 The Localism Act 2011 states that the Independent Person should be available to be consulted by a member who is the subject of an allegation that they have breached the Members' Code of Conduct. In addition, an Independent Person must be consulted by the decision making body before it makes a final decision on an allegation that has been investigated. The decision making body at the Council is the Hearings Panel, sub-committee of the Audit Committee.

3. REASONS FOR RECOMMENDATIONS

- 3.1 These recommendations are made as part of the statutory requirements of the Localism Act 2011

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Any alternative options have been considered throughout this report. The Council is required to abide by the provisions of the Localism Act 2011

5. IMPLICATIONS

Legal

- 5.1 The Council is required by statute to appoint an Independent Person.

Financial

5.2 There are no specific financial implications to appointing an Independent Person, aside from Officer time.

6. BACKGROUND DOCUMENTS

6.1 Localism Act 2011 and associated Regulations

Annex A: Summary of Mrs Holmes' experience

ANNEX A

Experience of candidate recommended for position of Independent Person

Qualifications

- Qualified Solicitor admitted in 1992
- NVQ Level 4 – Management
- Assessing Candidate Performance – D32/33

Summary of experience

- Majority of working life has been within public service [the Courts' Service] and began career as a legal adviser to lay justices. During the latter part of career combined legal work with a senior management role.
- For the last three years has worked, on a part time basis, in a private legal practice carrying out legal and project management work for a senior partner in the firm.
- Also works on a Contract for Services basis for the Solicitors Regulatory Authority assessing training material and courses and reporting to them about the standard of the material/course.

Relevant expertise and skills

- Extensive background in serving the local community.
- Responsible for 125 lay justices and has experience of upholding standards in public life.
- In role as a legal adviser was required to give objective, independent and impartial advice on a daily basis, most frequently in open court where it was open to challenge.
- Has led teams of staff and magistrates, where exercising sound judgement and making sound decisions were a vital part of the role.
- In both the legal and management roles, is used to handling highly confidential and sensitive information.
- Has trained magistrates and staff. Part of this role was to train in equality, diversity and ethical behaviours, where there was a requirement to assess these behaviours as part of ongoing training.
- Part of the management role was to deal with complaints both regarding legal decisions and the behavior of justices and staff.

Attributes to bring to the role

- Believes strongly that it is important to maintain high standards of conduct amongst those who serve the public.
- Through both management role within the Courts' Service and more recently in private practice, has been required to contribute to the development of codes of practice for both magistrates and staff, to ensure those codes were implemented and to monitor behaviours against them.
- In each of these roles has been required to deal with complaints, both as investigating and as reviewing officer, hence has sound knowledge and understanding of complaints procedures.
- Throughout career with the Courts' Service and senior management roles, the seven principles of public life were at the heart of the work.
- A legal background ensures can demonstrate the ability to assess evidence and draw objective conclusions from it.
- Has considerable experience of setting out the facts found by tribunals and the reasons for any decision.
- Has recently been appointed as an Independent Person for Cambridgeshire County Council.

This page is intentionally left blank