

**COUNCIL
29 SEPTEMBER 2022**

THE INDEPENDENT PERSON

**Responsible Cabinet Member -
Councillor Scott Durham, Resources Portfolio**

**Responsible Officer -
Luke Swinhoe, Assistant Director, Law and Governance
Monitoring Officer**

SUMMARY REPORT

Purpose of the Report

1. To advise members of the recently vacated Independent Person role and to invite members to approve appointments as set out in the recommendations.

Summary

2. The former Independent Person has been appointed as a circuit judge and accordingly has advised that she will no longer be able to discharge the Independent Person role.
3. This report gives further details of the role and sets out the recruitment process that has been undertaken.
4. The Council is required to have at least one Independent Person, but for reasons detailed in the report the recommendation is to make two appointments.

Recommendation

5. Members are asked to:
 - (a) Note the recruitment process that has been undertaken to fill the vacated Independent Person role;
 - (b) Agree the appointment of two Independent Persons on the terms of appointment as set out in the report;
 - (c) Approve the appointment of Beverley Boal and Julie Mathieson as Independent Persons from 30 September 2022;
 - (d) To give the thanks of the Council to the former Independent Person, Joanne Kidd for her service in the role and to congratulate her on her appointment as a circuit judge.

Reasons

6. The reasons for the recommendations are:
 - (a) To make appointments to the role occasioned by former office holder vacating the role;
 - (b) To help in promoting the good conduct of Members in the Council and the Parish Councils;
 - (c) To comply with the requirements of the Localism Act 2011.

Luke Swinhoe
Assistant Director, Law and Governance
Monitoring Officer

Background Papers

The Localism Act 2011 [Localism Act 2011 \(legislation.gov.uk\)](http://legislation.gov.uk)

Luke Swinhoe: Extension 5490

S17 Crime and Disorder	There are no specific issues which relate to crime and disorder
Health and Wellbeing	There is no specific health and wellbeing impact
Carbon Impact and Climate Change	There is no specific carbon impact
Diversity	There is no specific diversity impact
Wards Affected	All wards are affected equally
Groups Affected	All groups are affected equally
Budget and Policy Framework	Changes to the Member Code of Conduct need to be agreed by Council and the Constitution amended.
Key Decision	This is not an executive decision
Urgent Decision	This is not an urgent decision
Council Plan	There is no specific relevance to the strategy beyond a reflection on the Council's ethical governance arrangements
Efficiency	There is no specific efficiency impact
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

Background

7. In July 2022 the Independent Person, Joanne Kidd was appointed by Her Majesty the Queen on advice from the Lord Chancellor to become a circuit judge. This meant that she would no longer be able to continue as the Independent Person, a role she has discharged since 2012.
8. The Independent Person role was established by the Localism Act 2011 to enable an outside independent advisor (neither a member nor an officer of the council) to give their views when the council receives complaints about the conduct of members. Councils must appoint at least one Independent Person
9. While the member complaints function is the primary role, an addition function was added by subsequent legislation, requiring that they should be consulted if there is a proposal to dismiss one of the council's statutory officers (ie Head of Paid Service, Chief Finance Officer or the Monitoring Officer). In this capacity the Independent Person would sit as a member of the Human Resources Advisory Panel.
10. In order provide cover in the event non availability or conflicts, to share the workload and to help and to provide greater resilience in the event of a vacancy, it was decided to recruit 2 Independent Persons. The terms and conditions were also updated to reflect the slightly expanded functions, the annual allowance was slightly increased to £900 (from £802, which has not increased since 2012) and a 4 year term of office specified.

Recruitment process

11. The Localism Act 2011 requires a vacancy of the Independent Person role to be advertised in such a manner as the authority considers is likely to bring it to the attention of the public.
12. The role was advertised on the Councils website, and on the North East Jobs Website from 21 July 2022 to the closing date of 22 August 2022. A significant number of enquiries were made about the position and in the event 10 applications were received, of those 6 candidates were shortlisted for interview.
13. The Recruitment Panel was made up of the Chair of Audit Committee, Group Leaders and the Monitoring Officer. Interviews were held on the 9 September 2022.
14. The Recruitment Panel were in agreement about the candidates that they would like to be appointed. References were followed up for each of the preferred candidates and these support their appointment.
15. The Recruitment Panel unanimously recommend to Council that Beverley Boal and Julie Mathieson are offered the position of Independent Person.

Candidate information

16. Beverley Boal lives in Sunderland and is employed by the Care Quality Commission as an Inspection Manager. Beverley previously worked for Sunderland City Council from 1981 to 2015 in a number of roles including as the Complaints Manager.
17. Julie Mathieson lives in Darlington, is a solicitor and has been the Managing Director of DMA Law since 2011, a firm in which she has spent her whole professional life. Julie's responsibilities include complaints and compliance issues.

Consultation

18. Consultation has taken place with the Chair of Audit Committee and the Group Leaders about the recruitment process. Audit Committee received an update about this matter at their meeting on 28 September 2022.

Legal Implications

19. It is a legal requirement under section 28(7) of the Localism Act 2011 for the Council to appoint at least one Independent Person. Further provisions regarding the role are set out in section 28.
20. Section 28(8) (c) (iii) of the Localism Act 2011 requires a decision to appoint a person to the Independent Person role to be approved by a majority of members of Council.

Financial Implications

21. The annual allowance of the Independent Person was set at £802 in 2012 and has not subsequently been increased. The proposal is to increase the annual allowance to £900. As well as the increase in the allowance Members ought also to be aware that appointing an additional Independent Person will increase the costs in this area by £900.