

Appointment of Independent Persons



Report to: Full Council

Date: 23 May 2024

Lead Officer: Yvonne Rees, Interim Chief Executive (01279) 446004

Contributing Officer: Julie Galvin, Legal Services Manager and Monitoring Officer (01279) 446045

Executive Summary

A This report seeks Council approval for the appointment of two independent persons and the option to appoint a further three to meet statutory requirements under the Localism Act 2011.

Recommended that:

- A** The Council appoint David Irvine and Sarah Cooper James as the Council's independent persons for the purposes of section 28 of the Localism Act 2011 (subject to usual due diligence processes) to commence from 1 June 2024 for a term of up to 36 months.
- B** Establishes up to three additional independent persons for the purposes of the Localism Act 2011 to ensure sufficient succession planning and cover in the event of non-availability or conflict of interest issues and the Constitution is amended to reflect this change.
- C** Agrees an allowance of £520 per annum to undertake this role and the Council's Member Allowance Scheme is amended to reflect this change.

Reason for decision

- A** To meet statutory requirements under the Localism Act 2011.

Other Options

- A** As a statutory requirement, no other options were considered by officers.

Background

1. On 11 April, Full Council confirmed that a process should commence to advertise for one or more “Independent Persons” and to benchmark allowances payable.
2. The Monitoring Officer has now completed an open recruitment exercise based on CV’s and interview. The recruitment process was conducted with local and web-based advertisements. A total of six applications were received and five candidates interviewed. The sixth was unable to attend on the published day of interview owing to a previous engagement.
3. Benchmarking was undertaken by legal services apprentices. The findings have been supplemented by feedback from current independent persons (IP).

Issues/Proposals

4. Based on CV’s submitted and the performance at interview, it is recommended that David Irvine and Sarah Cooper James are appointed as the council’s IPs.
5. David comes with a wealth of experience as a current independent person working a number of local authorities in East Anglia (Tendring, Braintree and West Suffolk). He sits on independent remuneration panels, standard committees and audit and governance committees. Sarah works full time as the Head of Investigation Services for Barts Health NHS Trust and is independent person for Thurrock Council and LB Redbridge. Both are readily committed to assisting officers with supporting Members, statutory officers, and less experienced or potential new IPs as part of their role.
6. The remaining three candidates (two of which are Harlow residents) expressed a wish to serve the public, and a demonstrated a keen interest in promoting standards in public life. They were committed to training and exploring how their existing skill base may be utilised. Officers wish to offer the three remaining candidates an unpaid opportunity to attend training and shadow the appointed independent persons and monitoring officer to gain experience with a view to stepping into an IP role for Harlow and other local authorities in the near future.
7. A benchmarking process was completed by legal team apprentices. The findings are shown at Appendix A. Candidates and existing independent persons were asked what their expectations were in respect of remuneration.
8. The in-post IPs confirmed that annual payment is circa £600-£700 per year. The proposed annual allowance aligns to the allowance paid to the Vice Chair of the Council. Less experienced candidates indicated that they would be content to act in a voluntary capacity to gain new skills.

Next Steps

9. Subject to Council approval, officers will immediately arrange for offers to be made to all five candidates as rehearsed in paragraph 6 above. The offers will be conditional upon full verification and identification checks. Post 1 June 2024 officers will arrange a meeting and short training session with David and Sarah joined with our volunteer trainees.

Implications

Equalities and Diversity

The appointment followed an open recruitment process and all candidates were invited to interview and selected on merit and or given training opportunities.

Climate Change

None Specific.

Finance

(Subject to Councillors approving the recommended allowance) The total cost of £1,040 per annum will be factored into future budget setting cycles. Due to the immaterial amount, this expenditure can be absorbed within existing budgets for 2024/25.

Author: Jacqui Van Mellaerts, Assistant Director – Finance

Governance

Under Section 28(8)(c) (iii) of the Localism Act 2011, the decision to appoint must be agreed by a majority of the whole number of councillors. The appointment of two independent persons meets statutory requirements, and the training of more will mitigate conflict of interest issues and facilitate the introduction of a rota arrangement ensuring that members are supported and complaints are addressed appropriately and swiftly.

Author: Julie Galvin, Legal Services Manager and Monitoring Officer

Appendices

Appendix A – Benchmarking Information

Background Papers

None.

Glossary of terms/abbreviations used

None.

APPENDIX A

Independent Person - Benchmarking Price			
Council	Members	Date	Allowance per annum
New Forest District Council	48	2023 (May)	Annual allowance of £331 and travel allowances are 45p per mile
East Cambridgeshire District Council	28	2024 (May - application still open)	£2,000 p.a. plus expenses
St Albans City and District Council	56	2023	Annual allowance of £470, plus travel expenses
Dover District Council	32	2022/2023	£927 per annum for the Council Year 2022/2023
Tunbridge Wells Borough Council	40	2024 (January)	£800 per annum
Somerset Council	110	2024 (February)	£1,000 per annum, Reserve Independent Person role £600 per annum
Cherwell District Council	48	2021 (October)	Annual allowance of £768 and mileage allowance for attending meetings in person
Maidstone Borough Council	49	2021	Annual allowance of £749 is paid to the Primary Independent Person and travel expenses may be claimed for attending meetings. The Reserve Independent Person will receive an annual allowance of £249, and travel expenses
North Hertfordshire District Council	51	2020	Fixed allowance of £2205 for the IP and £550 for a Reserve IP is payable together with reimbursement of travel and subsistence expenses plus reasonable pre-agreed costs for training (course costs and travel) if this is relevant
South Holland District Council	37	2020	Annual allowance of £1,300 and travel expenses
Stratford-on-Avon District Council	41	2022 (September)	£400 per annum, together with reimbursement of necessary travel expenses
Broxbourne	30	Approx. 2020	£250
Epping	54	Approx. 2020	£500
Basildon	34	2021	£600
Welwyn Hatfield	48	2021	£500 plus expenses
Bracknell Forest	41	2012	£400
Crawley	36	2022	£750
Stevenage	39	2023/4	£1,497