

30 November 2022		ITEM: 10
Council		
The Localism Act 2011 – Appointment of Independent Persons		
Wards and communities affected: All	Key Decision: Non-Key	
Report of: Councillor M Coxshall, Leader of the Council		
Accountable Assistant Director: n/a		
Accountable Director: John Jones, Director of Legal and Governance		
This report is Public		

Executive Summary

This report follows the decision of the Council on 25 May 2022, which agreed pursuant to section 28 of the Localism Act 2011 to appoint new independent persons to replace the long-standing Independent Person who has been in place for some years.

Following a recruitment process, the Interim Monitoring Officer has identified two candidates to share the role until Annual Council in 2026.

1. Recommendation(s)

1.1 That, for the purposes of section 28 of the Localism Act 2011, the Council agree to appoint the following people to the role of Independent Person until the Annual Meeting of the Council in 2026:

- Ms Cheryl Campbell
- Mr Simon Carey

2. Introduction and Background

- 2.1 The Localism Act 2011 (the “Act”) changed the arrangements for dealing with governance issues regarding the conduct of Members. It abolished the national Standards Board and required that local authorities establish their own Code of Conduct and establish a process for dealing with allegations that members of the authority may have breached the Code of Conduct.
- 2.2 To add external input, section 28(7) of the Act required the Council to appoint at least one “independent person”, who must be consulted, and their views

taken into account on all complaints investigated and before a decision on any such complaint is made. The Council may consult with the independent person on other matters relating to an allegation and the Member complained about can also seek the independent person's views.

- 2.3 The provisions of the Localism Act took effect from 1 July 2012 and at its meeting on 25 July 2012, the Council agreed a new Code of Conduct and Complaints Procedure to replace transitional arrangements. To ensure "independence", the Independent Person is not to have links to the Council, councillors or officers.
- 2.4 The role of the independent person has since been widened under the Local Authority's (Standing Orders) England (Amendment) Regulations 2015, which came into force on 11 May 2015. These new regulations change the localised disciplinary process in relation to the Council's Head of Paid Service, the Chief Finance Officer and the Monitoring Officer statutory positions. In the case of any proposed disciplinary action against such a statutory officer, the Council is required to appoint the independent persons who have been appointed for the purposes of the Members Code of Conduct regime to a panel convened to consider a proposal to dismiss a statutory officer, and which makes recommendations to Full Council regarding any decision to dismiss a statutory officer.

3. Issues, Options and Analysis of Options

- 3.1 Following a recruitment process the Interim Monitoring Officer identified two people to share the role of Independent Person:
- Ms Cheryl Campbell – An education professional with experience in managing and maintaining standards in examinations. Grays based.
 - Mr Simon Carey – A sitting magistrate and retired local government employee based in the north-east of England.

All Candidates comply with the regulations in that they have not worked at Thurrock Council in the last five years and have no relations or close friends working for the Council.

- 3.2 The appointment of two Independent Persons builds resilience in the process, for example in cases of holiday or absences. Work can also be shared to ensure impartiality and objectivity at all times.
- 3.3 At Full Council in May 2022, Members agreed to keep the current Independent Person in place until 'no later than Annual Council 2024'. This limited tenure allows this experienced Independent Person to provide support and practical advice to the new starters.

4. Reasons for Recommendation

- 4.1 To ensure statutory compliance and effective administration of any business that may engage the Members Code of Conduct.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 It is a statutory requirement that Council is consulted and approves the appointments.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The appointment is a statutory requirement.

7. Implications

7.1 Financial

Implications verified by: **Dammy Adewole**
Senior Management Accountant
Resources and Place Delivery

The allowance paid to each of the Independent Persons is met from the Members Allowance Budget.

7.2 Legal

Implications verified by: **Gina Clarke**
Corporate Governance Lawyer and Deputy
Monitoring Officer

The statutory requirements are set out in the report and have been met. Under Section 28(8)(c)(iii) of the Localism Act 2011, this decision must be agreed by a majority of the whole number of councillors.

7.3 Diversity and Equality

Implications verified by: **Becky Lee**
Team Manager - Community Development and
Equalities, Adults, Housing and Health
Directorate

The appointments followed an open recruitment process ensuring that the recommended candidates were selected on merit.

7.4 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder and Impact on Looked After Children

None

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

The original recruitment documents relating to each of the Independent Persons contain personal information and as such are exempt under paragraph 1 of Schedule 12 A of the Local Government Act 1972 as amended and it is not in the public interest to disclose those documents.

9. **Appendices to the report**

None

Report Author:

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Democratic & Governance Services Manager