

Ethics Committee Supplementary Agenda



10. Independent Person Appointment (Pages 3 - 6)

The Ethics Committee, on the 19 April 2023, due to a vacancy which had arisen, agreed to commence a recruitment process under the provisions of the Localism Act 2011 to ensure a sufficient pool of Independent Persons.

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REPORT:	ETHICS COMMITTEE
DATE OF DECISION	15 November 2023
REPORT TITLE:	Independent Person Appointment
DIRECTOR:	Stephen Lawrence-Orumwense Director of Legal & Governance
LEAD OFFICER:	Adrian May, Interim Head of Democratic Services adrian.may@croydon.gov.uk
CONTAINS EXEMPT INFORMATION?	NO
WARDS AFFECTED:	All

1 SUMMARY OF REPORT

- 1.1 The Selection Panel shortlisted one candidate for the second stage of the application (interview with the Panel), and the interview was held on 8 November 2023. Following the interview, the Panel independently scored candidate’s performance. Subsequently, the Chair of the Ethics Committee consulted their decision to appoint with two Independent Persons. Finally, it was agreed to recommend the candidate for the appointment.
- 1.2 This recommendation will be made to Council at the meeting on Wednesday 13 December 2023, where the formal appointment is expected to be made.
- 1.3 This report was initially published as a Part B report. However, after a consultation with the Chair of the Ethics Committee it was agreed that this report could be published as Part A.

2 RECOMMENDATIONS

For the reasons given in this report, the Ethics Committee is recommended to:

- 2.1 Appoint Luisa Zingone to the position of a Non-Elected Independent Person for Ethics Committee following the interview on Wednesday, 8 November 2023.

3 REASONS FOR RECOMMENDATIONS

- 3.1 The recommendations ensure that the selection process verified that the appointed candidates met the selection criteria and are eligible to be an Independent Person.
- 3.2 The candidate is highly motivated to contribute to the work of the Ethics Committee and had a strong connection with the London Borough of Croydon, as she has lived here for 17 years. She took active roles in various organisations across Croydon, and she has a very strong professional background in financial investigations.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Selection Panel interviewed one candidate and based on the independently set criteria decided that the recommended candidate would be suitable for the role of an Independent Person.

5 CONSULTATION

- 6.1 The appointment process is required to be confidential. However, an Independent Person was consulted to advise on the recruitment process and provide guidance to the members of the Selection Panel.

7. CONTRIBUTION TO COUNCIL PRIORITIES

- 7.1 Mayor's Business Plan - Priority 4: Ensure good governance is embedded and adopt best practice.

8. IMPLICATIONS

8.1 FINANCIAL IMPLICATIONS

- 8.1.1 No allowance is payable for the role of Independent Person. There are no employee costs arising from these appointments, and recruitment costs are minimal and can be funded from operational budgets.
- 8.1.2 Finance have been consulted and can conclude that there are no financial implications within this report that cannot be met from within existing budgets.
- 8.1.3 Comments approved by Lesley Shields, Head of Finance for Assistant Chief Executive and Resources on behalf of the Director of Finance. 30/10/23

8.2 LEGAL IMPLICATIONS

- 8.2.1** The Council has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by members and co-opted members of the authority and in discharging this duty, the Council must adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.
- 8.2.2** The Council must also have in place arrangements under which allegations of breaches of the Code can be investigated, and under which decisions on allegations can be made.
- 8.2.3** These arrangements must include provision for the appointment by the Council of at least one independent person—
- (a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and
 - (b) whose views may be sought—
 - (i) by the authority in relation to an allegation in circumstances not within paragraph (a),
 - (ii) by a member, or co-opted member, of the authority if that person's behaviour is the subject of an allegation.
- 8.2.4** For these purposes a person is not independent if the person is a Member, co-opted Member or officer of the authority or a relative, or close friend, of a person who is a Member, co-opted Member or officer of the authority.
- 8.2.5** A person may not be appointed as an Independent Person if at any time during the 5 years ending with the appointment the person was a Member, co-opted Member or officer of the authority.
- 8.2.6** Finally, a person may not be appointed unless the vacancy for an independent person has been advertised in such manner as the authority considers is likely to bring it to the attention of the public, the person has submitted an application to fill the vacancy to the authority, and the person's appointment has been approved by a majority of the members of the authority.
- 8.2.7** The relevant legal requirements in relation to the involvement of Independent Persons in disciplinary action taken against the Head of Paid Service, the Section 151 Officer and the Monitoring Officer are set out within the body of this report.
- 8.2.8** *Approved by:* Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Legal Services and Monitoring Officer (02/11/23).

8.3 EQUALITIES IMPLICATIONS

- 8.3.1** The Equality Act 2011(section 149) places a public sector equality duty (section 146) on the Council. The duty requires the Council to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

8.3.2 Having “due regard” to the need to advance equality of opportunity involves having due regard, in particular, to the need to encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

8.3.3 The law requires that the vacancy for an independent Person is advertised in such a manner as the Council consider is likely to bring it to the attention of the public. Subject to the statutory restrictions around applicant’s demonstrating ‘independence’ the vacancy would be available to all.

8.3.4 Comments approved by: Naseer Ahmad for the Equalities manager. (31/10/2023)

8.4 HR IMPLICATIONS

8.4.1 There are no immediate Human Resources implications arising from this report. Should any matters arise these will be managed through the appropriate Council processes and procedures.

8.4.2 Comments approved by Gillian Bevan, Head of HR Resources and Assistant Chief Executive’s directorates on behalf of the Chief People Officer. 02/11/23

10 BACKGROUND DOCUMENTS

None