

## **Appointments and Disciplinary Committee**

Meeting held on Thursday, 13 October 2022 at 2.00pm in the Council Chamber, Town Hall, Katherine Street, Croydon, CRO 1NX.

### **PART A MINUTES**

**Present:** Mayor Jason Perry (Chair)  
Councillor Lynne Hale (Vice-Chair)  
Councillors Jason Cummings, Stuart King, Enid Mollyneaux and Callton Young

**Also Present:** Gillian Bevan, Head of HR, Resources & Assistant Chief Executives  
Malcolm Davies – Head of Insurance, Anti-Fraud and Risk  
Looqman Desai, Deputy Monitoring Officer  
Darce Gocoul – Strategic Support Officers to the Chief Executive  
Elaine Jackson – Assistant Chief Executive  
Katherine Kerswell – Chief Executive  
Adrian May, Head of Democratic Services & Scrutiny  
Stephen Lawrence-Orumwense – Director of Legal Services & Monitoring Officer  
Dean Shoesmith, Chief People Officer  
Simon Trevaskis, Senior Democratic Services & Governance Officer

#### **1. Apologies for Absence**

There were no apologies received at the meeting.

#### **2. Disclosure of Interests**

Members confirmed that their entries on the Council's register of interests were up to date and that they had no further disclosures to make.

#### **3. Part A Minutes of the Previous Meetings**

The Part A minutes of the Appointments Sub-Committee on 27 April and the Appointments and Disciplinary Committee on 31 August 2022 were agreed as a correct record.

#### **4. Exclusion of the Press and Public**

The following motion was proposed by Mayor Perry, seconded by Councillor Hale and agreed by the Committee to exclude the press and public for the remainder of the meeting.

“That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within paragraphs 1 and 5 as indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended”.

## **[PUBLIC VERSION OF PART B MINUTES]**

### **5. Part B Minutes of the Previous Meetings**

The Part B minutes of the Appointments Sub-Committee held on 27 April and the Appointments and Disciplinary Committee held on 31 August 2022 were agreed as a correct record.

It was noted that in this meeting's agenda there was a recommendation in item 7 – Response to Query from External Auditor Relating to Former Chief Executive Settlement Agreement requesting that the Committee rescind two of the decisions made at 27 April meeting. As such it was questioned whether this affected the agreement of the minutes of that meeting. It was confirmed that the Committee were being asked to agree that the minutes presented an accurate reflection of 27 April meeting. The minutes for this meeting would reflect any changes agreed to the resolutions made on 27 April 2022.

### **6. Confidential Staffing Matter Report**

*Please note that a full confidential minute has also been produced that includes confidential resolutions of the Committee.*

### **7. Response to Query from External Auditor Relating to Former Chief Executive Settlement Agreement**

*Please note that a full confidential minute has also been produced that includes confidential resolutions of the Committee.*

### **8. Update on Richard Penn's Independent Report**

The Committee considered a report set out in the supplementary agenda which provided an update on the previous decisions taken on Richard Penn's independent report and recent actions. It was agreed that in light of the significant public interest in the report, as much information as possible would be included in the public minute for this item.

The Chief Executive introduced the report, providing a summary of the action taken to date, this included the following: -

- The final draft of the Independent Report was received by the Council on 9 February 2021. As a result of the findings, action was taken to suspend those members of the former senior management team still employed by the Council. Copies of the Independent Report were provided to members of the Appointments Committee on 12 February 2021.
- On 19 February 2021 a formal complaint was made to the Deputy Monitoring Officer against the former Leader and Cabinet Member for Finance relating to breaches of the Member Code of Conduct. These complaints fell when the two Members resigned from the Council on 10 March 2022.

- Confidential copies of the report were provided to the Appointments Sub-Committee for discussion at its meeting on 17 March 2021, with Richard Penn in attendance to answer members' questions. At this meeting an update was given on amendments requested by the individuals named in the report as part of an accuracy "maxwellisation process", which the Sub-Committee accepted would be incorporated in the final version.
- Two subsequent reports had paused progress on the original Penn Report recommendations. The first was the Report in the Public Interest (RIPI) on the Fairfield Halls refurbishment received from the External Auditor in February 2022. The second was the awaited report from Kroll who had been commissioned by the former interim Monitoring Officer to investigate whether there had been any fraudulent activity arising from concerns raised in the Fairfield Halls RIPI. It was agreed to pause action on the issues raised in the Penn Report pending the outcome of this investigation.
- The Council was going through a maxwellisation process with those named in the Penn Report, to understand their objections, in order to allow the Council to assess the legal risk from publication, when a copy of the report was leaked externally a couple of weeks ago.
- The investigation to inform the outcome of the Kroll Report was complex and involved requests for information from many of the people involved at the time. The Council was pushing hard for the final report, but similarly to the Penn Report, it would also need to go through a Maxwellisation process.
- Following the leak of the Penn Report, the Council had reported the data breach to the Information Commissioner's Office giving full details of the breach and outlining how it would prevent a recurrence. Kroll had also been commissioned through the Crown Commercial Services Framework to investigate the breach.

It was acknowledged that having the leaked report covered by both local and national media was frustrating for Members of the Council who had not yet seen a copy.

The Committee agreed that it would be helpful to include a Part A report on the agenda for its next meeting on the Penn Report setting out the process that has been followed, the current situation and, subject to a proper assessment of the objections, risks and legal advice, also reconfirming the commitment to publishing as much of the Penn Report as was legally possible.

**Resolved:** The Committee agreed to:-

1. Note the content of the update report
2. Request that officers prepare a Part A report setting out the process to date and the current situation with the publication of Richard Penn's Independent Report for the next meeting of the Appointments and Disciplinary Committee.

Meeting ended at 4.55pm