

Brighton & Hove City Council

Council

Agenda Item 78

Subject: Appointment of Independent Persons to Audit & Standards Committee and the Independent Remuneration Panel

Date of meeting: 2nd February 2023

Report of: Executive Director of Strategy, Governance and Law

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Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 This report seeks Council's approval for the appointment of two new Independent Persons to exercise the standards functions prescribed by the Localism Act 2011 and to act as co-opted members of the Council's Audit & Standards Committee.
- 1.2 The report further asks the Council to note that the recruitment of a new member of the Council's Independent Remuneration Panel which is underway, and to give the Monitoring Officer delegated power to appoint to that role, in accordance with the terms of reference of that Panel.

2. Recommendations

Independent Person

- 2.1 That Council approve the appointments of Barbara Beardwell and David Gill as Independent Persons and co-opted members of the Audit & Standards Committee; and
- 2.2 That Council note that the above appointments will be made for a period of 4 years (subject to review after an initial 6 month period) from 1st March 2023, or such later time as is agreed with the appointees, and further gives the Monitoring Officer delegated authority to implement a 2-year extension thereafter at his discretion, after consulting with the Chair of Audit & Standards Committee; and
- 2.3 That Council authorises the Monitoring Officer to incorporate any changes considered incidental or necessary to the Constitution to ensure clarity that three Independent Persons may be appointed.

New member of the Independent Remuneration Panel

- 2.4 That Council note the recruitment process currently underway to appoint a new member of its Independent Remuneration Panel and – in line with the terms of reference of that Panel – provides the Monitoring Officer with express delegated authority to appoint the successful candidate for an initial period of three years.

3. Context and background information

Independent Persons:

- 3.1 Section 28(7) of the Localism Act 2011 requires the council to appoint at least one Independent Person whose views are to be sought in relation to Member Code of Conduct issues. The Independent Person
- (i) must be consulted, and their views taken into account, before the council makes a decision on any allegation relating to a breach of the Member Code of Conduct it has decided to investigate;
 - (ii) may be consulted by the council in other circumstances related to standards issues; and
 - (iii) may be consulted by a Member against whom an allegation of misconduct has been made.
- 3.2 The Independent Person has an important role in relation to complaints made about members of this Council. They are consulted at key points in the complaints process and may in addition be appointed as Chair of any Standards Panel hearing convened to determine a complaint against a member of the council following a formal investigation.
- 3.3 The Independent Person(s) appointed by Brighton & Hove City Council are moreover co-opted to the Audit & Standards Committee as non-voting members to provide independent input to the full range of the Committee's functions.
- 3.4 While this Council currently has two Independent Persons, the term of one of them - Helen Aston - expires in March 2023. Members will wish to acknowledge the contribution which Ms Aston has made, and to give their thanks for her consistent efforts, which are much appreciated.
- 3.5 An external recruitment process was initiated toward the end of 2022 which involved publicly advertising the vacancy for an extended period so as to meet the requirements of the Localism Act 2011 and also to ensure that the opportunity attracted applicants from a range of sectors and backgrounds.
- 3.6 The member complaint workload of the Independent Persons has been significant in recent years and there is also a need to have sufficient provision to deal with the potential for apparent conflicts to arise. As a result,

there was considered to be a need for two new appointees: a proposal made to Policy & Resources Committee in December.

- 3.7 A recruitment panel was convened consisting of two elected members and the outgoing Independent Person, supported by the Acting Monitoring Officer and the Chief Finance Officer. The calibre of applications was high and the Panel's decision to select both Barbara Beardwell and David Gill as preferred candidates was unanimous. Both have indicated their willingness to accept the position, which will be formally offered subject to references should the approval of full Council be given today. It is proposed that their respective terms start on 1st March 2023 or such later date as is agreed with them.
- 3.8 David Gill is an accredited counter fraud specialist and former police constable. He has considerable experience of carrying out investigative work across a range of functions and - while currently employed by Southend-on-Sea City Council - has worked at a number of local authorities over a period of years to identify fraud and ensure regulatory compliance across a range of council activities and functions. David has recently completed an MSc in a related area and has a strong public service ethos. His professional skillset is considered to lend itself both to an educated understanding of the audit-related role of this Committee and also to providing the Standards input which the Independent Person role requires.
- 3.9 Barbara Beardwell is a qualified solicitor and senior public law professional. She has considerable experience of direct relevance to this role, having been employed for a number of years as Head of Governance and Monitoring Officer at Hampshire County Council. This experience equips her to navigate the role of Independent Person with knowledge of the standards regime as well as considerable previous exposure to the audit related aspects of the committee's responsibilities. Barbara will be retiring from that Council next month and looks forward to applying her skills and experience to this role at Brighton & Hove.

New member of the Independent Remuneration Panel

- 3.10 Under the Local Authorities (Members' Allowances) (England) Regulations 2003, all local authorities are required to set up an independent panel to consider all issues relating to the level of payments to Councillors, and to make recommendations to the Council.
- 3.11 The Independent Remuneration Panel, or IRP, meets to review the level of payments made in connection with the following, and to make independent recommendations to the Council:
- Members' Basic Allowances
 - Special Responsibility Allowance
 - Dependant Carers' Allowance
 - Travel & Subsistence payments
 - Co-opted members' allowances
 - Allowances for parish councillors

- 3.12 Following the sad death of Ken Childerhouse, until recently the longstanding Chair of Brighton & Hove City Council's Independent Remuneration Panel, a need arose to recruit a replacement member to ensure resilience for the Panel to be able to meet its legal requirements.
- 3.13 While the remit of the Independent Person and Independent Remuneration Panel member roles are very different, they are both considered to require a strong public service ethos as well as an independent approach. For this reason, and to ensure maximum efficiency, a decision was made to run the two recruitments at the same time.
- 3.14 As a result of that recruitment process, a candidate was unanimously selected by the Panel, in view of their independence, experience and expertise. Jaine Jolly has a longstanding connection to Brighton & Hove and the public sector and a proven skillset in relation to approaching complex data and analysis in a thorough, fair and impartial way. Like the Independent Person appointees, they have undertaken the necessary enhanced vetting processes. It is proposed that the selected candidate be appointed by the Monitoring Officer using the delegated powers formally sought here, once references have been checked.

4. Analysis and consideration of alternative options

- 4.1 The appointment by the Council of at least one Independent Person is a legal requirement, as is the establishment of an Independent Remuneration Panel consisting of at least 3 members. Whilst it would be possible not to recruit to these posts, the need for resilience and accessible support in these areas means that the appointments are recommended.

5. Community engagement and consultation

- 5.1 No additional consultation has been undertaken in view of the nature of the appointments, which required advertisement and a formal recruitment process.

6. Conclusion

- 6.1 Members are asked to note the contents of this Report, and to agree the recommendation.

7. Financial implications

- 7.1 There are no financial implications arising from the recommendation in this Report. All activity referred to has been, or will be, met from existing budgets.

Finance Officer Consulted: James Hengeveld

Date: 26/01/23

8. Legal implications

8.1 These are dealt with in the body of the Report.

Lawyer Consulted: Victoria Simpson Date: 30/01/23

9. Equalities implications

9.1 There are no equalities implications arising from this Report.

10. Sustainability implications

10.1 There are no sustainability implications arising from this Report.

11. Other Implications

11.1 No other significant implications arising from this Report have been identified

Supporting Documentation

1. Appendices

None.

2. Background documents

None.