

Non-Executive Report of the: Council Wednesday, 19 January 2022	 TOWER HAMLETS
Report of: Janet Fasan, Director of Legal and Monitoring Officer	Classification: Open (Unrestricted)
Localism Act 2011: Appointment of Independent Persons	

Originating Officer(s)	Matthew Mannion, Head of Democratic Services
Wards affected	(All Wards);

Executive Summary

A key element of the standards regime introduced in the Localism Act 2011 is the appointment of at least one 'Independent Person' to provide advice to the Council on any allegations it is considering and may also provide advice to a Member facing an allegation.

Following the expiration of the second term of office for Elizabeth Hall, one of the two existing Independent Persons, the Council undertook a recruitment exercise for a new Independent Person. This process was overseen by the Standards Advisory Committee.

This report asks Council to approve the appointment of Amanda Orchard as the new Independent Person for a four year term until 19 January 2026.

In addition, the first term of office of the second Independent Person, Rachael Tiffin, expires on 16 January 2022. The Council is asked to reappoint her for a second term.

Recommendations:

The Council is recommended to:

1. Appoint Amanda Orchard as an Independent Person with effect from 20 January 2022 for a four year term of office.
2. Re-appoint Rachael Tiffin as an Independent Person for a second four-year term of office with effect from 20 January 2022.
3. To note that the remuneration for an Independent Person is currently set at £1000/year.

1. REASONS FOR THE DECISIONS

- 1.1 The Localism Act 2011 requires the Council to adopt a Code of Conduct for Members and put in place arrangements for dealing with any allegation that a Member or Co-opted Member has breached the Code. In accordance with the Localism Act 2011, the arrangements adopted by the Council must include the appointment of at least one Independent Person (IP) whose views must be sought and taken into account by the authority before it makes a decision on any alleged breach of the Code which has been referred for investigation.

2. ALTERNATIVE OPTIONS

- 2.1 The Council is required to have at least one Independent Person and so Council could decide to only appoint one of the two candidates. This is not recommended as a second IP is required to assist in dealing with complaints in circumstances where one IP is unable to act and/or where the Member complained about wishes to seek the view of the IP.

3. DETAILS OF THE REPORT

- 3.1 The IP must be consulted by the authority before it makes a finding as to whether a Member (Mayor, Councillor, Co-opted Member) has failed to comply with the Code of Conduct or decides on an action to be taken in respect of that Member. They may be consulted by the authority in respect of a standards complaint at any other stage and the Council's arrangements for dealing with an alleged breach of the Code require that the IP is consulted before deciding whether a complaint should be referred for investigation.
- 3.2 The IP may also be consulted by a Member or Co-opted Member of the Council against whom a complaint has been made. The IP is invited to attend meetings of the Standards Advisory Committee, but is not a co-opted Member of the Advisory Committee.
- 3.3 The second term of office of the previous IP, Elizabeth Hall, expired on 18 September 2021. The second IP, Rachael Tiffin, has a first term of office expiring on 16 January 2022.
- 3.4 The Standards Advisory Committee determined that it wished to continue with two Independent Persons as this arrangement had worked successfully to date. It therefore requested the Monitoring Officer to organise a recruitment exercise to seek the appointment of a new Independent Person. The position was advertised twice and the recruitment exercise culminated in three candidates being interviewed for the position by a panel chaired by John Pulford MBE, the Independent Chair of the Standards Advisory Committee and also consisting of the Monitoring Officer and the Head of Democratic Services. The panel are recommending Amanda Orchard be appointed to the position of Independent Person.

- 3.5 The Job Description for the position of Independent Person is attached at Appendix 1 to this report.

Ms Amanda Orchard

- 3.6 The proposed new Independent Person, Amanda Orchard, has considerable experience in similar roles. This includes being the Independent Person at the City of London, Kings Lynn Borough Council, North East Derbyshire District Council and The Broads Authority (National Park).
- 3.7 She also has similar experience at other bodies including; Disciplinary Panel member of the Football Association, Chair of England Netball Investigative and Professional Conduct Panels and British Canoeing panel Member; Regulatory Member of Professional Conduct and Health Committee for the General Chiropractic Council; Invited Review Investigative Lay Member of the Royal College of Surgeons, and more.

Remuneration

- 3.8 The current remuneration for the Independent Persons is set at £1000 per annum paid out of the Member Allowances budget.

4. EQUALITIES IMPLICATIONS

- 4.1 The recruitment exercise drew applications from a wide range of backgrounds and experiences. During the interviews, all candidates were asked to demonstrate a commitment to promoting equality and an awareness of the issues affecting a diverse community in an inner London borough.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
 - Data Protection / Privacy Impact Assessment.
- 5.2 Not appointing an Independent Person would potentially have Best Value implications as the Council would be unable to fully operate the Standards regime on Member Conduct.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 The £2,000 per annum for remuneration of two Independent Persons will be met from the Members Allowances budget. There are no other direct financial implications arising from this report.

7. COMMENTS OF LEGAL SERVICES

- 7.1 Section 28 of the Localism Act 2011 requires a local authority to appoint at least one independent person whose views must be sought and taken into account by that local authority in relation to investigations of complaints into the conduct of members or co-opted members of the authority.
- 7.2 Appendix A of the Code of Conduct, which is part of the Council's Constitution, sets out the role of the Independent Person.
- 7.3 The matters set out in this report comply with this legislation and with the Constitution.
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Linked Reports, Appendices and Background Documents

Linked Report

- Original Appointment of Rachael Tiffin as an Independent Person – 17 January 2018 Council meeting.

Appendices

- Appendix 1 – Job Description for the Independent Person

Local Government Act, 1972 Section 100D (As amended)

List of "Background Papers" used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None

Officer contact details for documents:

N/A