

Appointment of an Independent Person

Standards Committee Tuesday, 9th April 2024

Report of: Head of Legal & Democratic Services and Monitoring Officer

Purpose: For decision

Publication status: Open

Wards affected: All wards

Executive summary:

This report seeks the committee's approval of the appointment of two Independent Persons which are required to be appointed under Chapter 7 of the 2011 Localism Act.

This report supports the Council's priority of: Building a better Council.

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Recommendation to Committee:

That the committee approve the appointment of Shaun Munday and Melissa Clarke as Independent Persons for Tandridge District Council for a term of three years, commencing on 1 December 2023, subject to re-confirmation at the Annual Council meetings throughout their term of office.

Reason for recommendation:

To meet the Council's statutory duty to appoint at least one Independent Person to advise on councillor code of conduct matters.

Introduction and background

- 1 The Localism Act 2011 requires district and borough councils to appoint at least one Independent Person to advise on the determination of allegations that a councillor has failed to comply with their code of conduct. The independent view and expertise an Independent Person brings on conduct issues is vital to the standards process.
- 2 The main role of an Independent Person is to be available to be consulted on complaints against councillors and ethical governance issues. They provide an independent viewpoint, looking at issues from the point of view of an ordinary member of the public.
- 3 An Independent Person works closely with the Monitoring and Deputy Monitoring Officers, considering whether complaints against councillors meet the criteria for investigation. They are consulted before a decision is made and on the outcomes of any investigated complaint. On top of this they can offer advice on other standards' matters, including to the member who is subject to an allegation.
- 4 An Independent Person therefore plays an important role in promoting and maintaining high standards of conduct by elected members of the council.
- 5 In order to provide resilience to the standards process, the Council decided to appoint two Independent Persons.

Appointment Process

- 6 The Council advertised the posts in September 2023 and received three applications. The Monitoring Officer decided to interview all three candidates. The interview process was conducted by a panel consisting of the Monitoring Officer, Deputy Monitoring Officer and the Chair of the Standards Committee. Interviews took place on the 9th and 13th November 2023.
- 7 The Council may not appoint any person who has been a member or co-opted member or officer of the Council or a parish in the district within the last five years; nor a relative or close friend of any such member or officer.

Proposal

- 8 Following the interview process, the Chair of the Committee and the Monitoring Officer decided that both Shaun Munday and Melissa Clarke were eminently suitable for the Independent Persons posts. They have been appointed for a three year term commencing on 1 December 2023.
- 9 Shaun Munday has been the Council's appointed Independent Person since the introduction of the initial standards regime. His work experience

includes being employed at the Home Office, the Cabinet Office and various financial services regulators. He has held a variety of senior positions in these organisations, culminating in being Head of Financial Education at the Financial Services Authority.

- 10 Melissa Clarke is a qualified solicitor with over 20 years' experience in providing legal advice, leadership and management support to both the public and private sectors. She has governance and regulatory background.
- 11 As a check on the continuing suitability of the Independent Persons, it is recommended that their appointment is subject to re-confirmation at Annual Council meetings during their term of office.

Key implications

Comments of the Chief Finance Officer

There are no direct financial implications that need to be considered as a result of this report. The role of Independent Person at the Council is an unpaid position.

Comments of the Head of Legal Services

The Independent Person appointment process detailed in this report meets the relevant statutory requirements (section 28 of the Localism Act 2011).

Equality

This report contains no proposals that would disadvantage any particular minority groups.

Climate change

There are no climate change implications associated to this report.

Appendices

None.

Background papers

None.

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