

Appointment of Independent Person(s)

Report of the Monitoring Officer

Date: 11 July 2023

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Key Decision? No

Local Ward All

Members

Lichfield
district council

Council

1. Executive Summary

- 1.1 The Council is required to appoint at least one Independent Person under Section 28 of the Localism Act 2011 to assist in Councillor code of conduct allegations.
- 1.2 Earlier this year, our Independent Person retired from the position. Following a recruitment process, this report seeks approval for the appointment of Mr Jonathan Jardine and Mr Steven Stamford as Independent Persons for a period of three years.

2. Recommendations

- 2.1 That Mr Jonathan Jardine and Mr Steven Stamford be appointed as Independent Persons for the Authority for a term of three years.
- 2.2 That the thanks of the Council be accorded to Mr Ray Betteridge for his work as Independent Person.

3. Background

- 3.1 The Council is required by the Localism Act 2011 to put in place its own arrangements for dealing with code of conduct complaints. Section 28 of the Act requires that these arrangements include the appointment of at least one Independent Person.
- 3.2 Earlier this year the Council's Independent Person Mr Ray Betteridge retired from the position after more than eight years in the role. As a consequence the Council needs to make at least one new appointment.
- 3.3 The Independent Person:
 - must be consulted and their views taken into account before the Authority takes a decision on any allegation made against an elected member which has been investigated;
 - may be consulted about any other aspect of a Councillor's alleged breach of the Authority's Code of Conduct for Members; or
 - may be consulted by a Councillor against whom such an allegation has been made.

3.4 The Independent person must not be (or have been during the last 5 years):

- a member, co-opted member or officer of the District Council or parish council within the district; or
- a relative or close friend of a member, co-opted member or officer of the District Council or a parish council within the district.

The role is voluntary but an allowance is payable for attendance at meetings.

3.5 The law provides that a person may not be appointed as an Independent Person unless the position has been advertised, the person has submitted an application, and the appointment has been approved by a majority of members of the Council (section 28(8)(c) Localism Act 2011).

3.6 The role was advertised and promoted via social media. Two candidates were shortlisted as eligible and interviewed by the Monitoring Officer and Deputy Monitoring Officer. Both candidates met the person specification set out at Appendix A (a brief summary of the applicants occupations and previous experience is given at Appendix B).

3.7 After full consideration it is recommended that Mr Jonathan Jardine and Mr Steven Stamford be appointed as Independent Persons for the Authority. In addition to providing greater resilience and contingency, the appointment of two Independent Persons minimises the potential for any conflict of interest where:

a) an Independent Person has been involved in an initial assessment decision and the complainant seeks a review of that decision; or

b) a member who is the subject of a complaint has contacted an Independent Person for support and that matter then proceeds to a final hearing at which an Independent Person is required to give advice to the Committee.

The appointment of two Independent Persons also affords more flexibility given that both candidates are in full time work.

Alternative Options	1. The Council is required to appoint at least one Independent Person
Consultation	1. N/A
Financial Implications	1. There are no additional financial implications (remuneration is per meeting attended).
Approved by Section 151 Officer	Yes
Legal Implications	1. The proposed appointments comply with the requirements of the Localism Act 2011
Approved by Monitoring Officer	Yes
Contribution to the Delivery of the Strategic Plan	1. The appointment will contribute towards the following strategic objective: <ul style="list-style-type: none">• A council that is transparent and accountable

Equality, Diversity and Human Rights Implications	1. None. The Independent person is expected to demonstrate and promote a commitment to the Council's equality and diversity policies.
Approved by Equalities Officer	N/A

Crime & Safety Issues	1. None
Environmental Impact (including Climate Change and Biodiversity).	1. None

GDPR / Privacy Impact Assessment	1. None

	Risk Description & Risk Owner	Original Score (RYG)	How We Manage It	Current Score (RYG)
A	The remit includes parishes and may become onerous if more than one investigation occurs at the same time	Yellow	Appointment of two independent persons	Green
B	Conflict of interest	Yellow	Appointment of two independent persons	Green

	Background documents
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	Relevant web links
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SPECIFICATION

The person specification sets out the skills, knowledge and experience required to carry out the role.

Knowledge, Skills & Experience:	
Personal integrity and a commitment to maintaining high standards in public life.	Essential
A knowledge of and interest in the functions of local government relating to governance, in particular the role of elected members and the relevant Codes of Conduct.	Essential
Independence and impartiality: <ul style="list-style-type: none"> You must not within the last five years have been a Member or Officer of the District Council or of any Town, City or Parish Council within the District; You must not be a relative of, or a close friend, of a Member or Officer of the District Council. 	Essential
Excellent analytical and evaluation skills in order to advise whether a complaint about a breach of the Code of Conduct should be investigated.	Essential
Excellent communication skills, in particular the ability to provide clear rationale for decisions and to explain decision making when required.	Essential
Ability to deal with complex and sensitive issues with objectivity and clarity	Essential
Able to understand and comply with confidentiality requirements	Essential
Flexibility to deal with urgent requests	Essential
Must be reliable, responsive and committed	Essential
Basic IT skills to compose word documents, emails etc.	Essential
Able to demonstrate and promote a commitment to the Council's equality and diversity policies.	Essential
Willing to participate in training events to develop skills, knowledge and experience and in networks developed for Independent Persons.	Essential
No criminal convictions or cautions and no bankruptcy restrictions orders (DBS check may be required)	Essential
You must not currently have and must not enter into any contractual relations with the Council under which you will gain personally.	Essential

Current Occupations & Previous Experience

Jonathan Jardine**Current occupation**

May 2015 – date: Office of the West Midlands Police & Crime Commissioner – Chief Executive

- Head of Paid Service and Monitoring Officer for the Office of the West Midlands PCC, with 95 staff, £24m p.a. budget
- Responsible for creation and delivery of the West Midlands Police and Crime Plan
- Governance, strategic direction and holding to account West Midlands Police (c.£700m, 11,000 staff)

December 2008 – May 2015: West Midlands Police and Crime Commissioner, West Midlands Police Authority – Policy Manager

Previous experience

- 2001-2008: Partnership Manager & Health Scrutiny Manager, Coventry City Council
- 1998-2001: Senior Lecturer, Dept for International Affairs, Royal Military Academy Sandhurst
- 1995-1998: Senior Researcher, School of Social, Historical and Political Studies, University of Wolverhampton
- 1993-1995: Resident Tutor / Researcher (p/t), Department of Politics and International Studies, University of Warwick
- 1992-1995: Business Forecasting Planner, EMI Music
- 1992-1995: Lecturer (p/t), British Army, Deepcut

Steven Stamford**Current Occupation**

Self employed for over 30 years, currently working as a vocational trainer teaching a wide range of Health & Safety skills including:

- first aid at work,
- paediatric first aid,
- fork lift driving
- assorted access equipment
- fire safety.

Additional experience

Served as a Special Constable for Derbyshire Police for over a decade.

Social media community notes contributor – working collaboratively to add context to potentially misleading social media posts.

Taught potential paramedics how to drive C1 sized vehicles.

Transport management.