



Thursday, 22 May 2025

Report of Councillor Anna Kelly,
Chairman of Employment Committee

Appointment of Independent Person

Report Author

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Purpose of Report

This report concerns the appointment of two people to the post of Independent Person(s). The post is a requirement under the Localism Act 2011 and is to assist the Council in promoting and maintaining high standards of conduct amongst its elected members and town and parish councillors. The post also assists the Employment Committee in matters relating to the discipline and dismissal of its statutory officers.

Recommendations

Full Council is asked to approve the appointment of Julie Byrom and Michael Turner as Independent Persons with immediate effect for a period of four years.

Decision Information

Does the report contain any exempt or confidential information not for publication? No

What are the relevant corporate priorities? Effective council

Which wards are impacted? (All Wards);

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 Independent Persons are entitled to a Special Responsibility Allowance of £1500 per year which is paid from the Members' Allowance Budget. If one or more new Independent Persons are appointed this will mean a slight increase in payments although this can be financially accommodated.

Although not explicit, the Constitution does stipulate that 'non-elected co-opted' members are eligible to claim travel expenses, therefore it is reasonable to expect that the Independent Person(s) will claim them as and when appropriate.

Completed by: Richard Wyles, Deputy Chief Executive and s151 Officer

Legal and Governance

- 1.2 Part 2 of the Constitution (Article 11) highlights that Employment Committee:

'Oversee the recruitment and selection process of the relevant independent person in accordance with the Localism Act 2011 and make recommendations to Full Council in that respect.'

The candidate cannot be a member, co-opted member or officer of the authority. It also cannot be a member, co-opted member, or officer of a parish council in the District Council's area, or a relative or close friend of the above. These rules apply to the previous five years.

Employment Committee met as a Panel to interview both candidates on 24 April 2025 – both were recommended to Full Council for approval. In my view it is good governance to have more than one Independent Person in case one is unavailable.

Completed by: James Welbourn, Democratic Services Manager and Deputy Monitoring Officer

Human Resources

- 1.3 This formed part of the Employment Committee's remit in the Council's Constitution to oversee the recruitment and selection process of the relevant independent person and make recommendations to Full Council in that respect

Completed by: Jane Jenkinson, Senior HR Officer

2. Background to the Report

- 2.1 The role of Independent Person will assist the Council in promoting high standards of conduct by elected and co-opted members of South Kesteven District Council. It will also ensure that parish and town councillors uphold the Code of Conduct adopted by the Council.
- 2.2 The Monitoring Officer assesses potential breaches of the Code of Conduct and will liaise with the Independent Person(s) as part of the Complaints Procedure. The Monitoring Officer will consult with the Independent Person(s) prior to making their decision and a summary of their considerations is included in any Decision Notice produced.
- 2.3 If an assessment progresses to formal investigation, then the Independent Person(s) would be informed, and they would subsequently be invited to comment on whether the investigation was of an acceptable standard.
- 2.4 The Independent Person(s) would provide their views at any meeting of a Formal Hearing.
- 2.5 The Independent Person(s) would be invited to meetings of the Standards Committee and would attend meetings as and when required. Much of the contact with the Council's Independent Person(s) is via email and telephone.

3. Key Considerations

- 3.1 Members were informed at Full Council on 30 January 2025 that Fred Mann, one of the Council's Independent Persons had stepped down from the role after serving for a number of years.
- 3.2 Gordon Grimes is currently the Council's only Independent Person.
- 3.3 Employment Committee resolved at their meeting on 11 March 2025 that applications for the Independent Person would be vetted by the Monitoring Officer, the Chairman of Employment Committee and the Chairman and Vice-Chairman of the Standards Committee, prior to matter being considered by the full Employment Committee.

- 3.4 Following vetting, both Julie Byrom and Michael Turner were invited to attend a meeting of Employment Committee on 24 April 2025 to answer questions pertinent to the role. Employment Committee recommended both candidates to Full Council.
- 3.5 Michael Turner worked in Democratic Services for 36 years. For much of that time, he was at Deputy Team Leader level or similar. He has a degree in Government and Public Policy and has successfully completed the Institute of Chartered Secretaries and Administrators (ICSA) qualifications in 1992. He is a Member of the Association of Democratic Services Officers and works for them as an assessor.

He was recently appointed as an Independent Person for Horsham District Council.

- 3.6 Julie Byrom holds the position of Independent Person at Warrington, Hampshire, Brent, Swindon, and South Oxfordshire Councils. She is also the Independent Person at Derby and Hampshire Children's Services, ensuring a fair and transparent process when a complaint is made against Children's Services.

She is an active Director at the National Examining Board for Dental Nurses (NEBDN) and sits on the Governance Committee. She is a critical friend ensuring the NEBDN are fully compliant whilst ensuring the health, wellbeing, and safety of its staff.

4. Other Options Considered

- 4.1 To approve both candidates. This was the preferred option of Employment Committee. Having three Independent Persons would allow for some security in case of illness or absence of the other Independent Persons.
- 4.2 To not approve a candidate. This is a viable option but would leave the Council with one Independent Person.

5. Reasons for the Recommendations

- 5.1 The Council's Independent Person(s) are invited to attend and contribute at meetings of the Standards Committee; however, they are not entitled to vote. The Independent Person(s) perform a similar role at any Hearing Review Panels that take place where again they attend but do not vote.
- 5.2 The Independent Person(s) can also be involved in proceedings of the Employment Committee 'as and when required.'
- 5.3 The Council's Monitoring Officer liaises with the Independent Person when determining whether a complaint against a district member, or a town or parish councillor merits formal investigation under the relevant Code of Conduct.

6. Consultation

- 6.1. The role was advertised by the Council with a closing date for applications of 25 February 2025.
- 6.2. The Monitoring Officer and Deputy Monitoring Officer reviewed all applications following the closing date to ensure that they were all relevant to the role.
- 6.3. On Friday 28 March 2025 the Monitoring Officer, Chairman of the Employment Committee, and Chairman and Vice-Chairman of the Standards Committee met all candidates in 30-minute slots to ask a series of questions relevant to the role. Following this exercise, two candidates were invited to be interviewed by Employment Committee.