

**WAVERLEY BOROUGH COUNCIL**

**COUNCIL**

**19 MARCH 2019**

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**Title:**

**APPOINTMENT OF INDEPENDENT PERSONS**

**[Wards Affected: All]**

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**Summary and purpose:**

Under the Localism Act 2011, the standards arrangements adopted by the Council are required to include provision for the appointment of at least one Independent Person. Waverley currently has three Independent Persons, whose term of office ends in May 2019.

Following a joint recruitment process with Guildford, Epsom & Ewell, Mole Valley, Reigate & Banstead, Spelthorne, and Surrey Heath councils, the Standards Committee has endorsed the recommendation of the Monitoring Officers of the seven councils on the appointment of a panel of seven Independent Persons to serve a 4-year term commencing May 2019, with any of the appointed Independent Persons being able to act for any of the councils.

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**How this report relates to the Council's Corporate Priorities:**

Good governance and high standards of conduct support the delivery of all of the Council's corporate priorities.

**Equality and Diversity Implications:**

There are no Equality and Diversity implications.

**Financial Implications:**

Each Independent Person is able to claim travel/mileage expenses in connection with performing their duties, which is met from the Members' Allowances budget.

**Legal Implications:**

The legal implications are set out in the body of the report. It is necessary for full Council to approve the appointment of the Independent Person(s).

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**Introduction**

1. Section 28(7) of the Localism Act 2011 requires the standards arrangements adopted by the Council to include provision for the appointment of at least one Independent

Person, whose views must be sought by the Council before it takes a decision on an allegation which it has decided shall be investigated, or at any other stage. The Member against which an allegation has been made can also consult them.

2. In 2012, Waverley worked with Guildford, Spelthorne and Mole Valley borough councils to recruit three Independent Persons, and appointed Tony Allenby, Vivienne Cameron and Bernard Quorroll as Waverley's Independent Persons for an initial term to May 2013, which was subsequently extended to May 2015. On 17 February 2015, Council agreed to re-appoint Tony Allenby, Vivienne Cameron and Bernard Quorroll as Waverley's Independent Persons for a further term, to May 2019.
3. Section 28(8) of the Localism Act 2011 sets out the test of independence in the following terms:
  - (a) *a person is not independent if the person is—*
    - (i) *a member, co-opted member or officer of the authority,*
    - (ii) *a member, co-opted member or officer of a parish council of which the authority is the principal authority, or*
    - (iii) *a relative, or close friend, of a person within sub-paragraph (i) or (ii);*
  - (b) *a person may not be appointed under the provision required by subsection (7) if at any time during the 5 years ending with the appointment the person was—*
    - (i) *a member, co-opted member or officer of the authority, or*
    - (ii) *a member, co-opted member or officer of a parish council of which the authority is the principal authority;*
  - (c) *a person may not be appointed under the provision required by subsection (7) unless—*
    - (i) *the vacancy for an independent person has been advertised in such manner as the authority considers is likely to bring it to the attention of the public,*
    - (ii) *the person has submitted an application to fill the vacancy to the authority,*  
*and*
    - (iii) *the person's appointment has been approved by a majority of the members of the authority;*
  - (d) *a person appointed under the provision required by subsection (7) does not cease to be independent as a result of being paid any amounts by way of allowances or expenses in connection with performing the duties of the appointment.*

### **Recruitment of Independent Persons for 2019-2023**

4. For the latest recruitment, the Monitoring Officers of seven Surrey boroughs and districts agreed to undertake a joint recruitment with the intention of appointing at least three Independent Persons for a 4-year term from May 2019, with any of the appointed Independent Persons being able to act for any of the participating councils: Guildford, Epsom & Ewell, Mole Valley, Reigate & Banstead, Spelthorne, Surrey Heath, and Waverley. Serving Independent Persons were eligible for re-appointment.
5. The positions were advertised on the websites of each of the participating councils at the end of January for three weeks. Seven applications were received: four from current Independent Persons to the participating councils who applied to continue in their role, and three new applications.

6. The respective Monitoring Officers recommended the re-appointment of the four current Independent Persons for a further term. The three new applicants were interviewed by a panel of Monitoring Officers from the participating councils, and all three are recommended for appointment.

### **Conclusion**

- 7 Following the joint recruitment process with Guildford, Epsom & Ewell, Mole Valley, Reigate & Banstead, Spelthorne, and Surrey Heath councils, the Standards Committee has endorsed the recommendation of the Monitoring Officers of the seven councils, and now recommends to Council that the persons named below, are appointed as Independent Persons for a 4-year term commencing May 2019, with any of the appointed Independent Persons being able to act for any of the councils.

**Recommended for re-appointment:**

Vivienne Cameron  
Roger Pett  
Bernard Quorroll  
John Smith

**Recommended for appointment:**

Paul Eaves  
Bill Donnelly  
Liz Lawrence

### **Recommendation**

The Standards Committee RECOMMENDS to Council that the persons named above be appointed as Independent Persons for Waverly, for a 4-year term from May 2019.

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### **Background Papers**

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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### **CONTACT OFFICER:**

**Name:** Robin Taylor  
Monitoring Officer

**Telephone:** 01483 523108  
**E-mail:** robin.taylor@waverley.gov.uk