

This report will be made public on 21 November 2023



Report Number **A/23/18**

To: Council
Date: 29 November 2023
Status: Non-executive decision
Responsible Officer: Amandeep Khroud, Assistant Director - Governance, Law & Regulatory Services

SUBJECT: EXTENSION OF TERM OF INDEPENDENT PERSONS UNDER THE LOCALISM ACT 2011

SUMMARY: This report sets out the Audit and Governance Committee recommendations on the extension of the appointment of Chris Harman, David Carter and Ken London as the Independent Members under s28(7) of the Localism Act 2011.

REASON FOR RECOMMENDATIONS:

The Council is asked to agree the recommendations set out below in order to provide the council with independent members under s28(7) of the Localism Act 2011.

RECOMMENDATIONS:

1. To receive and note report A/23/18.
2. To extend the term of Chris Harman, David Carter and Ken London as the Independent Persons under s28(7) of the Localism Act 2011 for a further term of four years.

1. BACKGROUND

- 1.1 Under S 28(7) Localism Act 2011 the council must appoint an Independent Person to fulfil certain duties under the council's standards regime. In addition the Independent Person(s) were under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 given an additional role.
- 1.2 As the term of office of the Council's current Independent Persons is due to expire on 18 December 2023, the report asks Council to extend the term by a further four years. The three current Independent Persons (Chris Harman, David Carter and Ken London) have all agreed to continue in the role.
- 1.3 At its meeting of 13 September 2023 the Audit and Governance Committee recommended to Full Council:
 1. That report AuG/23/12 be received and noted.
 2. That the term of the three Independent Persons be extended until 18 December 2027 under the provisions of the S 27 (7) Localism Act 2011 and the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

2. INDEPENDENT PERSONS

- 2.1 Chris Harman's background starts with HR Director at district and unitary tiers and Head of HR for the Independent Television Commission. He has been a Chief Executive of a unitary authority, a consultant with the United Nations Public Administration Network and as a management and HR consultant within the public and private sectors. He has served as the Chair of the Independent Remuneration Panel for Folkestone and Hythe District Council. He is a resident in the district.
- 2.2 David Carter's background is a Customs Officer, dealing with international movement of people and goods at ports and airports, primarily in anti-smuggling role. He has worked for HMC&E's Training Services Division where he eventually took charge of the national training programme for all Customs uniformed staff. He has also served as a Magistrate and Justice of the Peace on the Southend-on-Sea and Rochford Bench. Mr Carter is a volunteer guide for National Trust at the South Foreland Lighthouse. Mr Carter served as Chairman of the Shepway Standards Committee until it was resolved in 2012. He is resident in the district.
- 2.3 Ken London's background is an engineer in the public and private sector. He worked as part of an investigation team dealing with insurance matters. Mr London was a member of the Kent Police Authority for ten years, a magistrate for 28 years which included being chairman of the Kent Courts' Board. Mr London is actively involved in two charities. He is a resident in the district.

3. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

3.1 Legal Officer's Comments (AK)

The legislation requires the appointment of at least two independent persons to be approved by a majority of the members of council.

3.2 Finance Officer's Comments (TM)

The service area has advised finance that any costs arising from this report can be met from existing budgets.

3.3 Diversities and Equalities Implications (GE)

No implications arising directly from this report.

4. CONTACT OFFICER AND BACKGROUND DOCUMENTS

Councillors with any questions arising from this report should contact the following officer prior to the meeting:

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The following background documents have been relied upon in the preparation of this report:

[Report to Audit and Governance Committee](#) – 13 September 2023