

This report will be made public on 10 December 2019

**Folkestone**

Hythe & Romney Marsh  
Shepway District Council



Report Number **A/19/21**

**To: Council**  
**Date: 18 December 2019**  
**Status: Non-executive decision**  
**Responsible Officer: Amandeep Khroud, Assistant Director - Governance, Law & Regulatory Services**

**SUBJECT: APPOINTMENT OF AN INDEPENDENT PERSON UNDER THE LOCALISM ACT 2011**

**SUMMARY:** This report sets out the Audit and Governance Committee recommendations on 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/19/21.**
- 2. To appoint Chris Harman, David Carter and Ken London as the Independent Persons under s28(7) of the Localism Act 2011 for a term of four years.**

## **1. INTRODUCTION**

- 1.1 At its meeting of 30 July 2019 the Audit and Governance Committee resolved to:
1. To receive and note report AuG/19/02.
  2. To appoint two Independent Persons under the provisions of the S 27 (7) Localism Act 2011 and the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and to advertise vacancies.
  3. To approve the person specification for the Independent Person contained in appendix 1 to this report.
- 1.2 Following the resolution the positions for Independent Persons was advertised and interviews arranged under s28(7) of the Localism Act 2011 and to make recommendations to council on the appointments.
- 1.3 A copy of the job description and person specification is attached as Appendix 1 to this report.

## **2. INDEPENDENT PERSON**

- 2.1 The interviews were carried out on 27 November 2019 by members of the Audit and Governance Committee and the Committee recommends that Chris Harman, David Carter and Ken London be now appointed Independent Persons under s28(7) of the Localism Act 2011 for a term of four years by the Council.
- 2.2 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.
- 2.3 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.
- 2.4 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**

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**

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**

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:

Amandeep Khroud, Assistant Director - Governance, Law & Regulatory Services

Tel: 01303 853253

Email: [amandeep.khroud@folkestone-hythe.gov.uk](mailto:amandeep.khroud@folkestone-hythe.gov.uk)

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

None

# APPENDIX 1

## Job Description and Person Specification

### Introduction

In accordance with Section 28(7) of the Localism Act 2011 the Council is required to appoint up at least one Independent Person.

### Descriptions of Duties and Functions

The role of the Independent Person(s) appointed by the Council will be:

1. To assist the Council generally in discharging its duty to promote and maintain high standards of conduct by Elected Members and Co-opted Members of Folkestone & Hythe District Council and the Town and Parish Councils in its area.
2. To advise the Monitoring Officer in connection with the assessment and post investigation stage of complaints against Elected and Co-opted members.
3. To advise the Audit and Governance Committee or any sub - committee in connection with complaints and potential sanctions where a failure to comply with a code of conduct has been established.
4. To advise their view, where sought, to an Elected or Co-Opted Member of Folkestone & Hythe District Council or a Town and Parish Council partially or wholly within its area who is the subject of an allegation that their behaviour has breached a Code of Conduct.
5. To reach balanced and reasoned conclusions having considered complex material and applied an impartial and fair approach to all of the written and oral material provided.
6. To advise the Council on any future adoption/revision of a Members' Code of Conduct.
7. To undertake any training arranged by the Monitoring Officer (or authorised representative) to enable the Independent Person(s) to perform their role effectively.
8. It is envisaged that the views of the Independent Person will normally be sought by the Council (through the Monitoring Officer or authorised representative) in writing, either by letter or email, or at a meeting organised for the purpose of seeking such views. Where the Independent Person's views have been sought in writing, either by letter or email, it is expected that the response will be provided in the same way. However, advice may be sought by telephone from time to time.
9. In reference to paragraph 4, the Independent Person(s) should not give advice to Members of the Council, or of the Town and Parish Councils, in circumstances where no complaint about a Member's conduct has been received. Where such advice is required, it should be sought by the Members of the Council, or of the Parish Councils, from, or via, the Monitoring Officer or his/her authorised representative.
10. The Independent Person will be selected from a list of appointees prepared following public advertisement; those persons will be expected to add the necessary element of independence and objectivity to the Committee's functions.
11. The person appointed as an Independent Person must:

- be committed to the need for high standards in public life
  - demonstrate that they can remain independent in their thinking and decision making
  - be able to make judgements based on evidence or information presented
  - have questioning skills
  - be assertive
  - be able to work within an area of public life which is open and transparent
12. The Independent Person will be expected to undertake some training by the Council in procedures and processes, especially monitoring and ensuring compliance with Codes of Conduct, Complaints Procedures, etc and where appropriate including case studies.
13. It is envisaged that meetings will normally be held in the daytime.
- (a) The Council will meet travel and subsistence expenses in accordance with its set rates. The provision of any other allowance is subject to review by the East Kent Joint Independent Remuneration Panel.
- (b) The Independent Person MUST NOT.<sup>[1]</sup>
- (i) Be, or have been during the last 5 years, a member, co-opted member or officer of Folkestone & Hythe District Council or a Town or Parish Council within the district; or
- (ii) A relative or a close friend of a member, co-opted member or officer of Folkestone & Hythe District Council or a Town or Parish Council within the district.
- (iii) A person is defined by the Localism Act 2011 as a relative if they are:
- The spouse or civil partner or living as if they were a spouse or civil partner;
  - A grandparent;
  - A lineal descendant of a grandparent;
  - A parent, sibling or child;
  - The spouse or civil partner of a grandparent, lineal descendant of a grandparent, or a parent, sibling or child; or
  - Living with a grandparent, lineal descendant of a grandparent, or a parent, sibling or child as if they were a spouse or civil partner.
- of a member, co-opted member or officer of Folkestone & Hythe District Council or a Town or Parish Council within the district.