

Subject:	Appointment of a new Independent Person
Date of Meeting:	22 October 2020
Report of:	Executive Lead Officer for Strategy, Governance & Law
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Wards affected:	All

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report seeks Council's approval for the appointment of an Independent Person, both to a) exercise the standards functions prescribed by the Localism Act 2011 and b) as a co-opted member of the Council's Audit & Standards Committee.

2. RECOMMENDATIONS:

- 2.2 That Council approve the appointment of Mr David Bradly as Independent Person and co-opted member of the Audit & Standards Committee, to take effect on 25th October 2020; and
- 2.3 That Council approves the appointment for a period of 4 years, and further gives the Monitoring Officer delegated authority to implement a 2-year extension thereafter at his discretion, after consulting with the Chair of Audit & Standards Committee.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Section 28(7) of the Localism Act 2011 requires the council to appoint at least one Independent Person whose views are to be sought in relation to Member Code of Conduct issues.
- 3.2 Specifically, the Act requires that the Independent Person – (i) must be consulted, and their views taken into account, before the council makes a decision on any allegation relating to a breach of the Member Code of Conduct it has decided to investigate; (ii) may be consulted by the council in other circumstances related to standards issues, e.g. at the point at which a complaint is received, or more generally regarding ethical issues; and (iii) may be consulted by a Member against whom an allegation of misconduct has been made. The council's Standards arrangements provide for the council's Independent Person to input as consultee at key junctures in the process which governs the consideration and determination of complaints made against elected members.

- 3.3 In addition to fulfilling Standards functions, the Independent Person(s) appointed to this council are co-opted to the Audit & Standards Committee. Although they are non-voting Committee members, they otherwise play a full part assisting the Committee in the discharge of its functions. In addition, the Independent Person may be appointed as Chair of any Standards Panel hearing which is convened to determine a complaint against a member of the council, following a formal investigation. In accordance with this council's arrangements, the Independent Person acts as the Panel's Chair but does not vote.
- 3.4 In March 2019, Helen Aston was appointed as one of the council's two Independent Persons on a four-year term. While Ms Aston remains in post, the second term of the council's other Independent Person, Dr David Horne, will expire at the end of 24 October 2020.
- 3.5 The contribution which Dr Horne has made in the role of Independent Person has been invaluable and is much appreciated.
- 3.6 In order to ensure that the council continues to have available to it two Independent Persons going forward, an external recruitment process was initiated during July and August of this year. This involved publicly advertising the vacancy so as to meet the requirements of the Localism Act 2011 (specifically S28(8)c of the Act), and also to ensure that the opportunity attracted applicants from a range of sectors and backgrounds. Following an evaluation process, a cross-party panel consisting of the Chair and two other members of Audit and Standards Committee conducted interviews, supported by the Monitoring Officer and the Chief Finance Officer.
- 3.7 While the calibre of applications was high, the Panel's decision to select David Bradly as its preferred candidate was unanimous. Mr Bradly has since indicated his willingness to accept the position should the approval of full Council be given today. It is proposed that his 4-year term start on 25th October 2020, the day after Dr David Horne's term expires.
- 3.8 Mr Bradly's skillset and professional experience is considered to be highly relevant to the demands of this key role. Mr Bradly is a barrister in private practice who has a longstanding specialism in regulatory and disciplinary law. He is also a fee paid member of the judiciary and has sat as the Chair in inquiries into professional conduct and performance, as well as contributing as legal advisor to disciplinary tribunals. In his application and at interview, he has highlighted his very considerable experience and expertise at applying codes of conduct and standards of performance to the acts or omissions of a professional person against a framework comprised of statute and procedural rules and guidance. He is accustomed to advising regulators on issues of legal interpretation and is very well-placed to assist the council in discharging its standards functions effectively – including by applying an approach which involves finding practical solutions to complex and potentially controversial problems.
- 3.9 Mr Bradly has lived in the city of Brighton & Hove with his family for the past eighteen years. He has indicated that he sees the role of Independent Person as

an opportunity to contribute to the community in which he resides, this in a way which enables him to fully utilise his professional skills.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The Council is required under the Localism Act to make arrangements for maintaining high standards of conduct among members and to make arrangements for the investigation of complaints and for their determination. The appointment of at least one Independent Person role is a statutory requirement insofar as the standards function is concerned, and it is considered that the need to deal with conflicts as well as the workload merits two appointees. The co-option of the two Independent Persons to the council's Audit and Standards Committee is moreover considered to be a key element in ensuring that effective governance and stewardship arrangements are put in place and maintained. As a result, no alternative proposals are suggested.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 No need to consult with the local community has been identified.

6. CONCLUSION

- 6.1 Members are asked to note the contents of this Report, and to agree the recommendation.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no additional financial implications arising from the recommendation in this Report. All activity referred to has been, or will be, met from existing budgets.

Finance Officer Consulted: James Hengeveld Date: 02/10/2020

Legal Implications:

- 7.2 These are dealt with in the body of the Report.

Lawyer Consulted: Victoria Simpson Date: 2/10/2020

Equalities Implications:

- 7.3 There are no equalities implications arising from this report.

Sustainability Implications:

- 7.4 There are no sustainability implications arising from this report.

Brexit Implications:

- 7.5 There are no Brexit implications arising from this report.

SUPPORTING DOCUMENTATION

Appendices:

None.

Background Documents

None.