

Report – Standards Committee

Appointment of Independent Persons

To be presented on Thursday, 16th July 2020

*To the Right Honourable The Lord Mayor, Aldermen and Commons
of the City of London in Common Council assembled.*

SUMMARY

The Standards Committee currently comprises seventeen Members, five of whom are co-opted. Under section 28 of the Localism Act 2011, local authorities must also appoint at least one “Independent Person” to participate in the arrangements a local authority must put in place to consider and determine complaints made against a member in relation to its Code of Conduct.

An Independent Person must be consulted i.e. their views must be sought and taken into account, by the authority, before it takes a decision on an allegation that a member has breached the Code of Conduct that it has decided to investigate. In addition, the City of London Corporation has decided to seek the views of an Independent Person at every stage of the complaints process. Their views may also be sought in other circumstances including by a member subject to an allegation, and in relation to disciplinary proceedings against the three statutory officers (head of paid service, chief finance officer and monitoring officer). Given the contrasting roles that an Independent Person may be asked to perform and taking into account scheduling considerations, this honourable Court decided, in 2012, that three independent persons should be appointed.

For the purposes of these appointments, a selection panel was established by the Court in November 2000 comprising the Chairman of the General Purposes Committee of Aldermen, the Chief Commoner and the Chairman of the Policy and Resources Committee, or their representatives.

There is currently one Independent Person vacancy on the Standards Committee, in the room of Neil Asten who resigned from his role in November 2019. However, on this occasion, the appointment panel were of the view that two candidates (Ms Amanda Orchard and Mr Gary Rogers) interviewed extremely well, and that both would be an asset to the City Corporation in terms of the breadth and relevance of their knowledge and experience. With this in mind, they are proposing that both candidates are appointed, this would take the total number of Independent Persons to four.

The purpose of this report is therefore to seek approval to the recommendations of that panel, namely to appoint Ms Amanda Orchard and Mr Gary Rogers.

RECOMMENDATION

We would be pleased to secure the voluntary and valued services of Ms Amanda Orchard and Mr Gary Rogers and, on behalf of the Selection Panel, we therefore **recommend** their appointment as Independent Members of the Standards Committee.

To be brought into effect, this recommendation requires the approval of a majority of the Members of the authority and it will, therefore, be necessary to BALLOT on this item.

MAIN REPORT

1. The principal function of the Standards Committee is to promote and maintain high standards of conduct by Members and Co-opted Members of the City of London Corporation, to assist Members and Co-opted Members to observe the City of London Corporation's Code of Conduct and to deal with any allegations of breach of the City of London Corporation's Code of Conduct in respect of Members and Co-opted Members.
2. The Standards Committee currently comprises seventeen Members, five of whom are Co-opted Members. In addition, there are currently two entirely separate, statutory "Independent Persons" appointed under the Localism Act 2011 who must be consulted in relation to any investigation, but who are not formal members of the Committee.
3. A vacancy for one Independent Person first arose in November 2019 following the decision of Neil Asten to step down in his role as an Independent Person with immediate effect.
4. The appointment process for his replacement was commenced in December 2019. A total of seven applications were received and reviewed by the appointment panel consisting of the Chief Commoner, the Chairman of the General Purposes Committee of Aldermen and the Chair of the Policy and Resources Committee (or their appointed representatives).
5. Following assessment by the Panel, four candidates were shortlisted and invited to attend interview in February 2020.
6. Applicants were asked to:-
 - understand, and have an empathy with the role and objectives of the City of London Corporation;
 - be able to demonstrate community or business experience (preferably, you will either have lived or worked in the City for a number of years);
 - be available to attend any meetings that are necessary for the conduct of business associated with the local Standards regime and specifically this role;
 - have the ability to demonstrate an insight into and understanding of the demands and pressures placed on individuals in public service;
 - be able to demonstrate good questioning skills;
 - have the ability to think logically and in an impartial manner;

- have a legal background (preferable but not essential)
- adhere to the standards set out in the Nolan Principles of Public Life: selflessness; integrity; objectivity; accountability; openness; honesty and leadership.

It was also made clear that an Independent Person cannot be someone who, at the time of appointment:

- has been a Member, Co-opted Member or officer of the City of London Corporation in the previous five years; or
 - is a relative or close friend of a Member or officer of the City of London Corporation.
7. The Panel were unanimously of the view that, on this occasion, two of the four candidates interviewed were particularly strong and that both would be a great asset to the Standards Committee in terms of the breadth and relevance of their knowledge and experience.
 8. The purpose of this report is, therefore, to seek formal approval for the recommendation of the Selection Panel – that two candidates (Ms Amanda Orchard and Mr Gary Rogers) be appointed as Independent Persons.
 9. The terms of office of Independent Persons are not currently defined by the City Corporation. The Committee on Standards in Public Life make the point that security of tenure is important in order to protect Independent Persons from being removed from their role for unpopular advice or recommendations. Equally, however, they stress that restricted tenure can ensure that the Independent Person's judgment and independence is not compromised by a long period of involvement in a single authority. They also recommend that the terms of multiple Independent Persons should ideally overlap, to ensure a level of continuity and institutional memory. Your Standards Committee have already agreed in principle to introduce a fixed term of office for the City Corporation's Independent Persons, and will decide on appropriate fixed terms and any transitional provisions at their meeting later this year before making a recommendation to the Establishment Committee (as the Independent Persons fulfil functions that come under that Committee) and the Court of Common Council (as the appointing body) on this basis. Given that the two existing Independent Persons have already served for an extended period, it is likely that they will be vacating their positions in the near future. Appointing two new Independent Persons at this stage would therefore pre-empt one of those forthcoming vacancies and provide some additional continuity.
 10. An additional Independent Person, even for a short period of time, would also help to strengthen the independent element of the Standards Committee's work and would provide a larger pool to draw from in terms of Assessment and Hearing Sub Committees where the views of an Independent Person must be taken account of and where our own Complaints Procedure stipulates that a different Independent Person should be engaged at each stage of a complaint wherever possible.

11. **Amanda Orchard** currently serves as an Independent Person at Kings Lynn Borough Council, a Lay Invited Review Member of the Royal College of Surgeons a Disciplinary Panel Member of England Netball and British Canoeing and is also a JP.

Her professional background is in marketing and communication where she has demonstrable experience, dealing with personnel at all levels, leading cross functional teams.

12. **Gary Rogers** has spent over 30 years dealing with, and conducting investigations into, complaints of a variety of allegations.

Throughout his career he has worked with the City of London in varying degrees, from assisting City of London Police in criminal investigations, undergoing training by the City of London Economic Crime Academy and assisting the Corporation of London in dealing with staff misconduct.

Mr Rogers was previously employed by Transport for London managing a team of 200 staff, dealing with misconduct, behavioural complaints and allegations, complaints from customers and also conducting criminal investigations into staff fraud and theft.

13. Your Standards Committee are pleased to endorse the Selection Panel's **recommendation** that both Amanda Orchard and Gary Rogers be appointed to serve as Independent Persons.

All of which we submit to the judgement of this Honourable Court.

DATED this 1st day of May 2020.

SIGNED on behalf of the Committee.

Ann Holmes
Chairman of the Standards Committee