

Report of the Independent Persons Appointment Panel

Appointment of Independent Persons

To be presented on Thursday, 13th May 2021

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

SUMMARY

Following the submission of Lord Lisvane's Review of the City Corporation's Governance in September 2020, a resolution of the Court of Common Council (8 October 2020) had the effect that consideration of aspects of the Review relating to the Standards Regime would need to be taken first and, as such, following extensive engagement with Members, the Court were able to consider and approve a number of proposals in relation to Standards made by Lord Lisvane at its 14 January 2021 meeting and authorised the Town Clerk to take such actions as were required to give effect to the decisions taken and facilitate their implementation.

One such action was around the recruitment and appointment of a panel of nine Independent Persons. It was agreed that an open and transparent recruitment process should be employed, with the Chair of Policy & Resources, the Chief Commoner, and the Chair of the General Purposes Committee of Aldermen (or their representatives) acting as an interview panel and empowered to put recommendations for appointment to the Court.

The purpose of this report is therefore to seek the Court's approval of the recommendations of that appointment panel, namely, to appoint the seven individuals named within this report as Independent Persons.

It should be noted that a further, second round of recruitment is now underway in order to appoint a further two Independent Persons and to ensure that the desired panel of nine individuals is achieved. A future report on any subsequent recommendations for appointment will be put to this Court in due course.

RECOMMENDATION

The Appointment Panel would be pleased to secure the valued services of Ms Miranda Carruthers-Watt, Mr Robert Coyle, Ms Christine Fraser, Mr Tom Ketteley, Ms Amanda Orchard, Mr Gary Rogers and Ms Atiyyah Younis and would, therefore, **recommend** their appointment as Independent Members of the City of London Corporation.

MAIN REPORT

Creation of an Independent Panel

1. Lord Lisvane's recommendations pertaining to Standards included a recommendation *"that the Corporation should set up an Independent Panel composed only of independent persons, and charge that Panel with:*
 - *receiving allegations of misconduct referred to it by the Monitoring Officer;*
 - *deciding whether any allegation should be investigated;*
 - *on the basis of the allegation, determining whether there has been a breach of the code of Conduct;*
 - *reporting that determination, together with a full report of the facts, to the Court for endorsement;*
 - *hearing any appeal (the appeal function will of course need to be separated rigorously from the assessment and determination function)*
 - *after determination, and appeal if necessary, recommending an appropriate sanction, giving reasons, as necessary."*

Process

2. This Court, at its 14 January 2021 meeting, endorsed this proposal as well as the adoption of Lisvane's recommendations in the form of a three-stage process, to be operated by the Independent Panel:
 - The first stage to be a more informal / conciliatory nature, seeking to resolve swiftly those issues which might be addressed through dispute resolution or a conversation and apology (with external dispute resolution advice to be made available to the Panel as it deems appropriate and a suitable protocol produced for such stage to be produced).
 - The second stage to then be the formal Hearing process, utilising the Independent Panel, as outlined by Lisvane (i.e. determination of investigation and breach and reporting to the Court of Common Council for endorsement).
 - The third stage to be the Appeal stage, the Panel for which should also include a minority of Members of the Court of Common Council, to help provide any relevant internal context.

It was decided that the Panel should be supported by the Comptroller & City Solicitor, as the Monitoring Officer, including in respect of the production of rules and procedures as time progresses, with clerking or administrative support also provided by the Town Clerk's department in the usual way.

Composition

3. This Court agreed with Lisvane's comments in relation to the need for a membership of sufficient size, to ensure that the sub-panels at the hearing and appeal stages could be comprised of entirely different Panel Members, although drawn from the same overall pool and directed that a panel of nine individuals, ought to be secured, utilising staggered terms to provide for both continuity and turnover.

Dispensations

4. Whilst distinct from the complaints process, the Court also reflected on the recent experiences concerning dispensations and the significant benefits of applications being determined independently. Consequently, it was agreed that responsibility for considering dispensations should also be granted to the new Independent Panel. It was noted, however, that responsibility for decision-making must legally remain with the Court of Common Council, or one of its committees, sub-committees, officers, or another local authority or joint committee; therefore, the Independent Panel could only make recommendations as to whether or not dispensations should be granted or refused. Your Court recommended, therefore, that authority be vested in the Town Clerk, on behalf of the Court of Common Council, to make determinations regarding applications for dispensations upon the recommendation of the Independent Panel (i.e. exercising a ratification function).
5. Further, it was observed that an urgent decision in respect of an application may be required from time-to-time, the timescales such that it was not possible for the Independent Panel to consider the application. To that end, it was recommended that the Comptroller and City Solicitor also be authorised to make determinations as to urgent applications, should they arise.

Recruitment and Appointment

6. It was agreed that an open and transparent recruitment process should be employed, with the Chair of Policy & Resources, the Chief Commoner, and the Chair of the General Purposes Committee of Aldermen (or their representatives) acting as an interview panel and empowered to put recommendations for appointment to the Court, with the Town Clerk authorised to advertise and undertake a recruitment process in consultation with the Chair of the Policy & Resources Committee, the Chief Commoner, and the Chair of the General Purposes Committee of Aldermen (or their nominated representatives) .

Appointment Process

7. The appointment process for the new Independent Panel was commenced in February 2021 and ran until March 2021. Following discussion with the Appointment Panel, advertisements were placed on the City of London's webpages, in City AM online and also in the Law Gazette.
8. Applicants were informed that the City were seeking to appoint a panel of individuals with relevant experience in the private or public sectors and individuals who would both promote and maintain high standards of conduct by the Corporation's elected Members and co-opted Members when dealing with the business of the Corporation.

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.

9. This Court was also supportive of remuneration for Independent Persons recommending the utilisation of the standard rate for public appointments, to help ensure strong candidates could be attracted and retained. The position was, therefore, advertised with a daily attendance allowance of £300 and reasonable travel expenses also reimbursed. Attendance depends on the number and complexity of cases to be dealt with as well as any necessary briefing and training sessions.
10. Following a shortlisting process and assessment by the Panel, seven candidates were shortlisted and invited to attend interview in April 2021.
11. The Panel were unanimously of the view that all seven of the candidates interviewed were particularly strong and that all would be a great asset to the City of London's Standards Regime in terms of the breadth and relevance of their knowledge and experience.
12. The purpose of this report is, therefore, to seek the Court's formal approval for the recommendations of the Appointment Panel – that seven candidates (Ms Miranda Carruthers-Watt, Mr Robert Coyle, Ms Christine Fraser, Mr Tom Kettleley, Ms Amanda Orchard, Mr Gary Rogers and Ms Atiyyah Younis) be appointed as Independent Persons.
13. The Committee on Standards in Public Life had recommended that Independent Persons be appointed for a fixed term of two years, renewable once. The Court considered this at their 14 January 2021 meeting and resolved that a fixed term of office of two years, renewable twice, be adopted for the City Corporation's Independent Persons. It was also felt that the terms of the Independent Persons should, ideally, be staggered.
14. As the Court has directed that a Panel of nine Independent Persons be recruited, and in line with the directive around staggered terms, we would therefore **recommend** that the Town Clerk is authorised to draw lots to ensure that five of the nine be appointed for an initial two year term and the remaining four for initial one year terms.

Details of Recommended Appointees

15. **Miranda Carruthers-Watt** qualified as a Solicitor in 1987 and is currently registered with the SRA as a Freelance Solicitor. She has over 30 year's experience in providing strategic leadership, legal advice, and senior management support to both the public and private sectors. She has an extensive governance and regulatory background and has been involved in the development and delivery of complex transformation projects and organisational change.

She has extensive experience delivering training on governance, strategy and transformational change at a local regional and national level. She has substantial experience as a Monitoring Officer in dealing with Standards matters and related complaints in Local Authorities, Police Authorities and relating to Policing and Police and Crime Commissioners. Since her retirement as the City

Solicitor and Monitoring Officer of Salford Council, she has built a non-executive portfolio, supporting local authorities with both strategic support and a focus on standards and governance matters.

16. **Robert Coyle** is an experienced Chartered Accountant and business executive, now building a portfolio of part time roles. As part of this he now works with organisations either in or closely connected to local government and is also heavily involved in issues of good governance. He is a Member of the Independent Remuneration Panel for Reigate & Banstead Council, he sits on the Board of a large multi academy trust – dealing a lot with both the DfE and Surrey County Council and is a NED/Audit Committee Member on various corporate entities. All this has built a strong interest in issues of how local government works, what it is trying to do and why it is important. In this context he has a good understanding of the demands and pressures placed upon those in public service.

He has over twenty-five years' experience of working in senior roles in the City – at Coopers & Lybrand/PwC, KPMG and Capita.

17. **Christine Fraser** is a law graduate, admitted solicitor and holds a current Practising Certificate. In recent years she has worked for a number of professional regulators and in areas of dispute resolution. She is currently working as an Ombudsman at the Financial Ombudsman Service. She has a wide range of experience at both senior management, board level, in dispute resolution and professional regulation.

She has held senior management roles, such as Head of Registration at the RCVS, where she was a member of the senior management team. She was also Town Clerk and Chief Financial Officer at a Town Council, so working as the Senior Executive Officer in a political environment. Her role as Town Clerk together with her earlier career in Local Government has provided a good understanding of the roles and work of Members of Council and issues that relate to this work. In more recent years, she has been involved in dispute resolution and is a panel member on the Referrals Panel at the SSRO.

18. **Tom Kettleley** is a Solicitor by profession. He was admitted to the profession in 2012. In 2016 he secured his Higher Rights of Audience enabling him to advocate in certain civil courts in England & Wales. He joined Bates Wells Braithwaite LLP in 2010 to complete his training. In 2012 he qualified into the firm's leading immigration department. In 2014 he moved to the Government Legal Department. He joined the Litigation Directorate where he advised the Home Office in connection with immigration judicial review proceedings and also statutory appeal proceedings in the Court of Appeal and Supreme Court.

In 2017, he transferred to the Home Office to design and introduce professional career development opportunities and oversee an operational legal team. He also holds operational responsibility for the multisite legal team which manages most of the complex cases that reach the Court of Appeal and Supreme Court.

He is also currently serving as an Independent Panel Member for the Greater London Authority, and has a track record in supporting fair, open and transparent recruitment processes at a senior level.

19. **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.

20. **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.

21. **Atiyyah Younis** has served as a member on the Independent Advisory Group to Bedfordshire Police for a number of years. She has worked in the City for several years and qualified as a solicitor in 2017. In her current role she works as a legal case manager for NHS Resolution in London defending the NHS against medical negligence claims.

In previous roles, she has gained ample experience working for Regulatory Bodies investigating high profile fitness to practise concerns relating to competence, misconduct and health. She has conducted numerous investigations involving large corporations and high-profile individuals.

Conclusion

22. The Appointment Panel mandated by this Court to oversee the recruitment of a panel of Independent Persons and put forward recommendations for appointment hereby **recommend** that the seven persons named within this report (Ms Miranda Carruthers-Watt, Mr Robert Coyle, Ms Christine Fraser, Mr Tom Kettleley, Ms Amanda Orchard, Mr Gary Rogers and Ms Atiyyah Younis) be appointed as Independent Persons of the City of London Corporation for initial terms of either one or two years so that appointments may be staggered in line with the wishes of this Court. It is **recommended** that authority be delegated to the Town Clerk to determine the varying terms of office for each Independent Person by drawing lots.

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

DATED this 26th day of April 2021.

SIGNED on behalf of the Appointment Panel.

Alderman Sir David Wootton
Chairman of the Independent Persons Appointment Panel