

Report – Independent Persons Appointment Panel

Appointment of Independent Persons

To be presented on Thursday, 22nd July 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.

Members will recall that the panel initially recommended the appointment of seven individuals and that this honourable Court approved these appointments in May 2021. The purpose of this report is now to seek the Court's approval of the recommendations of that appointment panel once more, following a second round of recruitment, and to agree to the appointment of the final two individuals named within this report as Independent Persons to ensure that the desired panel of nine is achieved.

RECOMMENDATION

The Appointment Panel would be pleased to secure the valued services of Mr Rahul Sinha and Mr Philip Thicknesse 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 originally commenced in February 2021 and ran until March 2021. This resulted in the appointment of seven individuals, approved by this Court in May 2021. Following this, a second recruitment round was launched in May 2021 and this ran until June 2021. Following discussion with the Appointment Panel, advertisements were, on this occasion, placed on the City of London's webpages, in City AM online and also in The Voice Newspaper online, with a view to attracting applicants from a more diverse background.
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, three candidates were shortlisted and invited to attend interview on 1 July 2021.
11. The Panel were unanimously of the view that two of the three candidates invited to interview on this occasion were particularly strong and that both 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 a further two candidates (Mr Rahul Sinha and Mr Philip Thicknesse) 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. **Rahul Sinha** is an economist and policy analyst, but of late has largely been working with charities and multilateral organisations to improve their board/leadership relations, assist in strategic planning, and more productively engage stakeholders.

Throughout Rahul's career he has built key relationships and partnerships across a wide range of sectors with senior officials and elected leaders, foundations and private sector partners with a track record of delivering change. He has delivered organisational transformation and policy reform processes with local

governments and civil society organisations. He is experienced in nourishing collaborative team and organisational cultures.

16. **Philip Thicknesse** is a former Clerk of 7 ½ years to the Haberdashers' Company. He understands, very well, the pressures placed on individuals in public service, having commanded two warships, the Royal Naval Air Station at Culdrose and served as Commander British Forces South Atlantic Islands. In the Falklands, Philip served as an ex-officio member of the Falkland Islands Government on the legislative and executive committees. In his service career, he amassed significant experience of both the services' and civil service's formal complaints procedures and has acted as deciding officer at every level up to and including the Admiralty Board.

Philip describes himself as a strong, but not uncritical, supporter of the City.

17. As a reminder, these final two appointees, should they be approved, would join our previously appointed seven (Miranda Carruthers-Watt, Robert Coyle, Christine Fraser, Tom Kettleley, Amanda Orchard, Gary Rogers and Attiyah Younis) to form our panel of nine Independent Persons. Further details of the previously appointed seven are set out within the May 2021 Court report.

Conclusion

18. 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 two persons named within this report (Mr Rahul Sinha and Mr Philip Thicknesse) 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 1st day of July 2021.

SIGNED on behalf of the Appointment Panel.

Alderman Sir David Wootton
Chairman of the Independent Persons Appointment Panel