

London Borough of Hammersmith & Fulham

Report to: Full Council

Date: 28 April 2021

Subject: Appointment of Independent Persons

Report of: The Leader of the Council - Councillor Stephen Cowan

Responsible Director: Rhian Davies, Monitoring Officer

Summary

The Localism Act 2011 requires local authorities to appoint at least one Independent Person to consider complaints against members and to offer their impartial views on each case, including any investigations undertaken. This report seeks the re-appointment of His Honour Judge John Rylance, Mr Tom Babbedge and Ms Dilina Ostborn.

Recommendations

1. That His Honour Judge John Rylance, Mr Tom Babbedge and Ms Dilina Ostborn be re-appointed as Independent Persons for a fixed term of two years.
 2. That the Council pay each appointed person a flat rate allowance of £504 per annum payable in line with the Members' Allowance scheme.
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Wards Affected: None

Our Values	Summary of how this report aligns to the H&F Values
Taking pride in H&F	Ensuring a high standard of governance across the Council.

Financial Impact

There is sufficient provision in the existing budget to fund the costs of the Independent Persons' allowances as contained in this report.

Legal Implications

The Localism Act 2011 requires local authorities to appoint at least one Independent Person to consider complaints against members and to offer their impartial views on each case, including any investigations undertaken.

Background papers used in preparing this report

Local Government Ethical Standards” the Committee on Standards in Public Life in January 2019: <https://www.gov.uk/government/collections/local-government-ethical-standards>

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DETAILED ANALYSIS

Proposals

1. The Localism Act 2011 requires local authorities to appoint at least one Independent Person to consider complaints against members and to offer their impartial views on each case, including any investigations undertaken.
2. His Honour Judge John Rylance, Mr Tom Babbedge and Ms Dilina Ostborn were appointed as independent persons in March 2019 for a period of two years, renewable once. This report seeks to re-appoint them for a further two years.

Reasons for Decision

3. The Localism Act 2011 requires local authorities to appoint at least one Independent Person to consider complaints against members and to offer their impartial views on each case, including any investigations undertaken.

4. In its report “Local Government Ethical Standards” the Committee on Standards in Public Life in January 2019 recommended as best practice that local authorities should have access to at least two Independent Persons and that such appointments should be made for a term of two years renewable only once. Also, that an Independent Person needs not just to be independent according to the requirements of the Localism Act 2011 but should also show an ability to:
 - offer authoritative and impartial advice
 - maintain independence in a politically sensitive environment
 - gain the confidence of councillors, officers, and the public
 - make decisions on an impartial basis, grounded in the evidence
 - work constructively with the local authority and senior officers
 - act as an impartial advisor to the council on code of conduct matters.
 - provide a view on code of conduct allegations based on the evidence before them, and whilst being aware of the political context, should be politically neutral.

5. In 2019 the Independent Persons positions were advertised online and 17 local residents applied for the posts. From a very strong field, 7 people were interviewed by the Chair of the Audit, Pensions and Standards and Committee, the Monitoring Officer and Deputy Monitoring Officer. The Panel recommended for appointment:
 - His Honour Judge John Rylance – retired Deputy Circuit Judge, sitting mainly in County and Family Courts and as Chairman of Bar Disciplinary Tribunals.
 - Mr Tom Babbedge - Chief Scientist and Deputy Head of Systematic Strategies at Gresham Investment Management, a commodity investment firm.
 - Ms Dilina Ostborn - An experienced City dispute resolution lawyer.

6. It is recommended that they be re-appointed for a further two years.

List of Appendices

None.