



Standards Committee

Tuesday, 27 September 2016

Dear Councillor

You are advised that the attached documents form part of the main agenda papers for this meeting.

Please ensure you bring them with you to the meeting.

Yours faithfully

A handwritten signature in black ink, appearing to read 'S Kilkie', written over a horizontal line.

S Kilkie  
Assistant Director (Communities)

**List of documents attached**

5. Update on Appointment to the Independent Remuneration Panel (Pages 3 - 10)

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**Classification:** Public

**Key Decision:** No

### **Gravesham Borough Council**

**Report to:** Standards Committee

**Date:** 27 September 2016

**Reporting officer:** Assistant Director (Governance & Law) and Monitoring Officer

**Subject:** Appointments to the independent remuneration panel.

#### **Purpose and summary of report:**

To confirm the results of the selection process and make the necessary recommendation to full council.

#### **Recommendations:**

That the standards committee recommends to full council the appointment of the following applicants to the council's independent remuneration panel.

- Jag Sidhu
- Idowu Anthony-Ajileye
- Jasvinder Gill
- Maxine Fothergill
- David Brown

#### **INTRODUCTION**

- 1.1 The Constitutional reasons for re-establishing the independent remuneration panel together with the procedure for appointing the panel were set out in the previous report to this committee as recently as 27 July 2016 - copy annexed.

#### **1. SELECTION PROCESS**

- 2.1 At the last meeting of this committee the monitoring officer explained that to comply with the Constitution the number of applicants that could be appointed to the panel was between three and five and that at that time there were six applicants who had expressed an interest.
- 2.2 All of the applicants were written to and asked for further career details and why they felt they met the constitutional criteria set out in paragraph 3 of the previous report. The following five of the applicants responded.
- Jag Sidhu, Director of Nick Building Contractors Ltd
  - Idowu Anthony-Ajileye of Tonidol (UK) Ltd
  - Jasvinder Gill, Senior Partner of Hatten Wyatt Solicitors

- Maxine Fothergill, Managing Director of Amax Estates (also an elected Member of the London Borough of Bexley);
- David Brown, Partner of Gullands Solicitors

2.3 The monitoring officer has satisfied himself that all of the remaining applicants meet the criteria and have sufficient standing and experience to serve as members of the independent remuneration panel.

2.4 Accordingly the recommendation is to appoint all five applicants especially in the light of the need to convene meetings of the panel in the immediate future. Having five panel members will provide the council some flexibility in setting up a panel in the event that one of two members are unable to attend. Also going forward panel members are appointed for four years and should one or two members wish to stand down the panel will still be properly constituted and continue to function.

### **3 BACKGROUND PAPERS**

3.1 The standards regime under the Localism Act 2011 has wide ranging propriety implications for the whole of the Council.

3.2 The new regime is subject to judicial review in the event of unlawful or otherwise unreasonable decisions by the Standards Committee, Monitoring Officer or Council. This will only apply if the Council steps outside the statutory framework.

<b>IMPLICATIONS</b>		<b>APPENDIX 1</b>
The standards regime under the Localism Act 2011 has wide ranging propriety implications for the whole of the Council.		
<b>Legal</b>	The new regime is subject to judicial review in the event of unlawful or otherwise unreasonable decisions by the Standards Committee, Monitoring Officer or Council. This will only apply if the Council steps outside the statutory framework.	
<b>Finance and Value for Money</b>	Negligible.	
<b>Risk Assessment</b>	Low.	
<b>Equality Impact Assessment</b>	<b>Screening for Equality Impacts</b>	
	<b>Question</b>	
	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer.</p> <p>No. There is no potential to discriminate. The appointed Independent Persons have been arrived at following a Borough-wide advert.</p>	
	<p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer.</p> <p><b>No. It is unlikely that the appointment of the Independent Persons will have any effect either way to equalities issues, although it should be noted that the proposed individuals are one of each gender.</b></p>	
<i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i>		
<b>Corporate Plan</b>	Managing the Council's business responsibly	
<b>Crime and Disorder</b>	No direct implications under section 17 of the Crime and Disorder Act 1998.	
<b>Digital and website implications</b>		
<b>Safeguarding children and vulnerable adults</b>		

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**Gravesham Borough Council**

**Report to:** Standards Committee  
**Date:** 27 July 2016  
**Reporting officer:** Monitoring Officer  
**Subject:** Appointments to the Independent Remuneration Panel

**Purpose and summary of report:**

To set out the procedure for making appointments to the independent remuneration panel and report on progress to date.

**Recommendations:**

To note the progress made to date and endorse the way forward set out in paragraph 5.0 of the report.

**1.0 INTRODUCTION**

- 1.1 The Independent Remuneration Panel provides the Council with advice on its Members' Allowances Scheme, the amounts to be paid and the pensionability of allowances where relevant, together with any other matters that may be required by law. This is set out in Article 2.5 to the Constitution
- 1.2 Persons appointed to the Independent Remuneration Panel may each serve for a period of four years from the date of their appointment and members of the Panel may be re-appointed on the expiry of their term of office, subject to no person serving on the Panel for more than a total of eight years.
- 1.3 The membership of the previous panel had all served for eight years and have therefore had to stand down. It is now necessary for a new panel to be constituted to carry out the functions set out in paragraph 1.1 above.

**2.0 PROCEDURE FOR MAKING APPOINTMENTS**

- 2.1 Before reporting to the Standards Committee the Monitoring Officer is required to consult with as wide a range of organisations as possible including those representing local businesses, faith communities, voluntary and community groups and public service organisations. The Monitoring Officer may also invite views from the general public via the local media.
- 2.2 The Deputy Monitoring Officer arranged for consultation with the Gravesham Business Network, which resulted in expressions of interest and in requests for information from a number of people.

2.3 A wider consultation then took place through the Councils normal channels. This involved an email to thirty-nine bodies or individuals with various voluntary, faith or community interests, the Afro-Caribbean Forum, Street Pastors, Parish Councils and some local churches.

2.4 It is now considered that the consultation has been carried out satisfactorily. In accordance with paragraph three of Annex 3.7 the Independent Remuneration Panel must be constituted of not more than three or not more than five members. Sufficient nominations have thus been received for a panel to be constituted. There seems to be no provision for formal substitutes, although under the circumstances it seems clear that should a Panel member resign he could readily be replaced.

2.5 As a result of this lengthy procedure the Monitoring Officer has received firm expressions of interest from the following people:-

- i) Jag Sidhu, Director of Nick Building Contractors Ltd
- ii) Idowu Anthony-Ajileye of Tonidol (UK) Ltd
- iii) Jasvinder Gill, Senior Partner of Hatten Wyatt Solicitors
- iv) Louise Brisley, Business Adviser of Switch Business Solutions
- v) Maxine Fothergill, Managing Director of Amax Estates (also an elected Member of the London Borough of Bexley);
- vi) David Brown, Partner of Gullands Solicitors

### 3.0 **CRITERIA FOR SELECTION**

3.1 The constitution sets out the following criteria which should be applied when appointing anyone to the Panel, or as in this case when appointing the whole panel.

3.2 The extent to which the Panel as a whole –

- (1) Can command public confidence in its impartiality and judgement
- (2) Is representative of a broad cross-section of local communities
- (3) Has an appropriate mix of skills and knowledge relevant to the remit, including current knowledge of local government

3.3 The credentials of each individual appointee in terms of their –

- (1) Good standing and reputation with the community
- (2) Understanding of public service and/or commercial life and practice
- (3) Knowledge of opinion across the community
- (4) Analytical skills
- (5) Ability to make informed and balanced judgements

### 4.0 **CONSTITUTIONAL REQUIREMENTS**

4.1 The duty to establish or amend the Independent Remuneration Panel is a matter that cannot be determined by Cabinet under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended). The applicable regulations are the Local Authorities (Members Allowances) (England) Regulation 2001.

4.2 The Protocol for the Appointment of an Independent Remuneration Panel (annex 3.7 to the Constitution) confirms that the Full Council makes appointments, upon the recommendation of the Standards Committee and following a report from the Monitoring Officer.



4.3 The members of the Independent Remuneration Panel are in post for four years, with the possibility of renewal for one further period.

5.0 **THE WAY FORWARD**

5.1 As the Constitution restricts membership of the panel to between 3 to 5 members there will need to be a selection process.

5.2 In order to speed up what could be a very lengthy and protracted process the monitoring officer proposes that he will contact each of the candidates and applying the criteria set out in paragraph 3.0 above select the most suitable candidates for the role.

5.3 The Monitoring Officer will then report back to the standards committee setting out his findings, having satisfied himself that the constitutional criteria have been met.

**6.0 BACKGROUND PAPERS**

6.1 None

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

<b>IMPLICATIONS</b> This report deals with the appointment of members to the statutory Independent Remuneration Panel.			
<b>Legal</b>	As set out in the main body of this report, this is a decision to be made by Council following a report to Standards Committee by the Monitoring Officer.		
<b>Finance and Value for Money</b>	None		
<b>Risk Assessment</b>	There is no particular risk attendant upon appointing a member of the Independent Remuneration Panel, however it is possible that an may subsequently become (or be found to have been) ineligible for appointment. At that point a termination of office followed by a new appointment will be necessary.		
<b>Equality Impact Assessment</b>	<b>Screening for Equality Impacts</b>		
	<b>Question</b>	<b>Answer</b>	<b>Explanation</b>
	a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	No. Groups are consulted widely
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	Yes	The decision is made following a statutory process and involves wide consultation of diverse and often disadvantaged groups.
	c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		
<b>Corporate Plan</b>	Managing the Councils business responsibility		
<b>Crime and Disorder</b>	There are no impacts identified		
<b>Digital and website implications</b>			
<b>Safeguarding children and vulnerable adults</b>			