

LONDON BOROUGH OF CROYDON

REPORT:	Council	
DATE OF DECISION	9 October 2024	
REPORT TITLE:	Appointments of Independent Person	
DIRECTOR:	Stephen Lawrence-Orumwense Director of Legal & Governance	
LEAD OFFICER:	Adrian May, Interim Head of Democratic Services adrian.may@croydon.gov.uk	
CONTAINS EXEMPT INFORMATION?	No	N/A
WARDS AFFECTED:	All	

1. SUMMARY OF REPORT

- 1.1. The Council must ensure Independent Persons are appointed to continue to perform its statutory functions under the Localism Act 2011 in respect of the Ethics Functions of the Authority and under Part 4J of the Council's Constitution (Staff Employment Procedure Rules) in respect of disciplinary matters pertaining to Head of Paid Service, Section 151 Officer or Monitoring Officer.
- 1.2. Following advertisement for a vacant Independent Person position, a selection panel made of Ethics Committee Members shortlisted and interviewed for the role in November 2023.
- 1.3. It was agreed by the Ethics Committee, 29th July 2024, upon recommendation by the Member Interview Panel, to recommend to Council that Joanne Middlewick be appointed as an Independent Person.

2. RECOMMENDATIONS

For the reasons given in this report and Appendix A, the Council is recommended to:

- 2.1 To agree to appoint Joanne Middlewick as an Independent Person as recommended by the Ethics Committee for the duration of 2 years, with a possible extension of 2 years.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The recommendations ensure that the Council has sufficient Independent Persons to continue to perform its statutory functions.

4. BACKGROUND AND DETAILS

- 4.1 Section 28 of the Localism Act 2011 (“the Act”) imposes a duty upon the Council to ‘promote and maintain high standards of conduct by Members and Co-opted Members of the Council’.
- 4.2 The Council is required to adopt a Code dealing with the conduct that is expected of Members and Co-opted Members of the Council when they are acting in that capacity. In addition, under Section 28(6) and (7) of the Act, the Council must have in place “arrangements” under which allegations that a Member or co-opted Member of the authority, or of a Committee or Sub-Committee of the authority, has failed to comply with the Council’s Code of Conduct can be investigated and decisions made on such allegations.
- 4.3 Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought and taken into account by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a Member or co-opted Member against whom an allegation has been made.
- 4.4 For Members’ information, the arrangements as adopted by Full Council, can be accessed [here](#)¹.
- 4.5 Further details and background for the proposals are detailed in the report to the Ethics Committee, 29th July 2024 (Appendix A).
- 4.6 Appointing Joanne Middlewick ensures that the Council has sufficient Independent Persons to continue to perform its statutory functions. The recommended candidate is highly motivated to contribute to the work of the Ethics Committee, has a strong connection with Croydon, demonstrates a deep interest in ethical issues, and possesses a very strong professional regulatory background.
- 4.7 Council should note, the maximum pool of Independent Persons is currently five. The Council currently has 3 Independent Persons - Jennifer Gordon, Ashok Kumar and Luisa Zingone.
- 4.8 It should also be noted that Alan Malarkey resigned as an Independent Person in August 2024. The Council and Officers convey thank you to Alan Malarkey for his work with the Committee and supporting the Council over the years.

5 CONSULTATION

- 5.1 The Localism Act requires that the recruitment process will involve a public advertisement and formal application process. This process, overseen by

¹https://www.croydon.gov.uk/sites/default/files/articles/downloads/Arrangements%20under%20the%20Localism%20Act%202011_July%202012.pdf

Members of the Ethics Committee, culminated in interviews taking place on the 27th and 29th November 2023.

6 CONTRIBUTION TO COUNCIL PRIORITIES

- 6.1 Mayor's Business Plan - Priority 4: Ensure good governance is embedded and adopt best practice.

7 IMPLICATIONS

7.1 FINANCIAL IMPLICATIONS

- 7.1.1 There are no finance implications as a result of this proposal - As detailed in Appendix A.

7.2 LEGAL IMPLICATIONS

- 7.2.1 The legal implications are as detailed in Appendix A.

7.3 EQUALITIES IMPLICATIONS

- 7.3.1 The Equalities implications are as detailed in Appendix A.

7.4 HR IMPLICATIONS

- 7.4.1 The HR implications are as detailed in Appendix A.

8 APPENDICES

Appendix A – Report to Ethics Committee, 29th July 2024.

9 BACKGROUND DOCUMENTS

None