

APPOINTMENT OF INDEPENDENT PERSON	
COUNCIL 30 June 2021	CLASSIFICATION: Open
WARD(S) AFFECTED N/A	
Dawn Carter-McDonald, Monitoring Officer & Director of Legal and Governance Services	

1. SUMMARY

1.1 This report concerns the appointment of the Independent Person to the Standards Committee. The Standards committee is made up of nine Councillors (one of whom must be the Cabinet Councillor who holds the ethical governance portfolio and eight other non-executive members of the Council), six non-voting co-opted members, and the Independent Person. The Standards Committee is responsible for promoting and maintaining high standards of conduct for elected and co-opted members, and upholding ethical standards in public life.

1.2 The Independent Person works closely with the Standards Committee on all aspects of the Committee's work in relation to wider ethical and governance issues affecting the Council, providing an independent view and input. In addition to their advisory work with the Standards Committee, the Independent Person also works with the Monitoring Officer on complaints into allegations of breaches of the Council's Code of Conduct in accordance with the Localism Act 2011.

2. RECOMMENDATIONS

2.1 It is recommended that Full Council:

- (i) Approve the appointment of Feryal Ertan to serve as the Independent Person for a term of 4 years from the start of the 2021/2022 municipal year until the end of the 2024/2025 municipal year.

3. BACKGROUND

3.1 Councils have a duty to promote and maintain high standards of conduct by their elected councillors and co-opted members. The Localism Act 2011 requires every council to have in place a process under which allegations of misconduct can be investigated and decisions made on such allegations. To comply with the requirements of the Act, the Council is required to appoint at least one Independent Person to deal with standards matters and, in some circumstances, must seek the views of an Independent Person before taking a decision on an allegation of misconduct that has been investigated.

3.2 The Independent Person has a number of roles:

- The views of an Independent Person must be sought and taken into account by the Council before it makes a finding that any Member has failed to comply with its code of conduct or imposes any sanction;
- The views of an Independent Person may be sought on whether to investigate a complaint and how to deal with a particular allegation; and
- Any Member against whom an allegation has been made may consult the Independent Person regarding that allegation.

3.3 Following the end of Mr Stopes-Roe's term of office as the Council's Independent Person, a recruitment campaign took place during April and May 2021.

3.4 The recruitment exercise attracted several applicants. Shortlisted candidates for the role of Independent Person were invited to attend an interview with the Monitoring Officer and Deputy Mayor Bramble, as Chair of the Standards Committee, on 3 June 2021.

3.5 The Localism Act requires the appointment of the Independent Person to be approved by the majority of members of the authority.

3.6 Following the interview, the Monitoring Officer recommends the appointment of Feryal Ertan to serve as the Independent Person.

Feryal Ertan

Feryal was called to the Bar in 2005 and is a specialist criminal practitioner for both the Defence and Prosecution. She has extensive experience in areas such as firearms, serious violence, drug offences, and serious sexual offences and has completed the Advocacy and Vulnerable Witnesses Training Programme. Feryal is a Grade 3 CPS Advocate Panel Member [highest grade being Grade 4] and approved External Counsel for the Nurses and Midwifery Council (NMC). In addition to her criminal practice, Feryal undertakes regulatory matters appearing before bodies such as the NMC, Driving and Vehicle Standards Board as well as the General Pharmaceutical Council. Feryal is also the Secretary to the Tenancy Committee at 9 King's Bench Walk Chambers, Committee Member of the Cypriot Lawyers Society as well as an Independent Member of the Disciplinary Panel for the London Football Association. Feryal was born in Hackney and continues to reside in the Borough and speaks fluent Turkish and conversational French.

4. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

4.1 Although the role of the Independent Person is voluntary, an allowance is paid to cover any expenses incurred whilst carrying out these roles. This can be accommodated from within existing budgetary provisions. There are no other financial implications arising from this report.

5. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

5.1 Section 28 of the Localism Act provides that arrangements must be put in place under which allegations can be investigated and action taken which must include provision of at least one Independent Person, although no term of office is specified. The Localism Act does not limit the number of independent persons who can be appointed but does require appointments to be approved by “the majority of the members of the authority”.

5.2 The Council’s Constitution stipulates that a person is not independent and cannot therefore be considered for appointment if that person is

- (i) a Councillor or Officer of the Council in the five years immediately preceding the appointment; or
- (ii) a close relative, or close friend, of a person of a Councillor or Officer of the Council; or
- (iii) someone who is involved in party politics; or
- (iv) a Councillor or Officer of another local authority.

5.3 Article 8.13, Part 3 of the Council’s Constitution provides that it is the responsibility of the Monitoring Officer to interview candidates for the role of Independent Person and make a recommendation to Full Council as regards an appointment.

APPENDICES

None.

BACKGROUND PAPERS (as defined by Local Government (Access to Information) Act 1985)

None.

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