

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**COUNCIL**

**10 JULY 2012**

**Report of the Chief Solicitor & Monitoring Officer**

**Part 1- Public**

**For decision**

**1 LOCALISM ACT 2011 – APPOINTMENT OF INDEPENDENT PERSON –  
SUPPLEMENTARY REPORT**

**1.1 Introduction**

- 1.1.1 This supplementary report updates members on the outcome of the recruitment process for the role of Independent Person.
- 1.1.2 The Council received 2 applications in response to the advertisement. Both applications were from persons who were previously independent members of the Standards Committee. Further details of the applicants are set out below.

**David Ashton**

Mr Ashton is a barrister and arbitrator of many years standing. In 1984 he became independent chairman of the Disciplinary Committee of the Kennel Club, in 1985 a Deputy Master of the Queen's Bench Division of the High Court and in 1997 became a panel member of the Chartered Institute of Arbitrators. Mr Ashton still practices as a chartered arbitrator, and was Chairman of the Chartered Institute of Arbitrators from 2006 to 2007.

Mr Ashton was an independent member of the Borough Council's Standards Committee from Feb 2008 until 30 June 2012 (the statutory position of independent member was abolished by the Localism Act on 1 July 2012). In July 2009 he was appointed Independent Chairman of the Committee, and held this position until 30 June.

In 2009 Mr Ashton was also appointed as an independent member of the Kent & Medway Fire and Rescue Authority's Standards Committee, and held this appointment until the abolition of the Committee on 30 June 2012.

## **John Gledhill**

Mr Gledhill completed a 30 year career with Kent Police, rising to the rank of Critical Incident Inspector/ Head of Serious Collision Investigation Unit with special responsibilities for the management of critical incidents and the investigation of road traffic incidents, although he has considerable experience of investigations generally. He is now a training officer for Kent Police and has a wide range of interests in the local community.

Mr Gledhill was an independent member of the Borough Council's Standards Committee from Feb 2008 until 30 June 2012.

- 1.1.3 In paragraph 1.1.7 of my earlier report I set out the arrangements agreed by Council for the appointment of 2 independent persons. As part of the agreed arrangements, it was resolved that a Committee comprising the Chairman and Vice-Chairmen of the Standards and Training Committee, together with the Group Leaders be set up to short list and interview candidates and make a recommendation to Council for appointment.
- 1.1.4 The Council has been very well served by Mr Ashton and Mr Gledhill in their previous roles as independent members of the Standards Committee. Furthermore, in response to the initial prohibition on existing independent members being appointed as independent persons under the new regime the Council resolved to invite both Mr Ashton and Mr Gledhill to serve as co-opted members of the Standards and Training Committee. The change in position towards the appointment of existing independent members contained within the transitional regulations was welcome, and we were very pleased to receive applications from Mr Ashton and Mr Gledhill.
- 1.1.5 In view of the above, I have obtained the consent of the Chairman of the Standards & Training Committee (there are presently no Vice-Chairmen) and the Group Leaders to dispense with the interview stage and instead report directly to Council.
- 1.1.6 Since the preparation of my earlier report the Council has received a letter from Bob Neill MP (attached as **Annex 1**). In this letter Mr Neill MP indicates that further transitional provisions are to be introduced which will limit the term of office that may be served by independent persons who were previously independent members of the Standards Committee. It is proposed that this term will expire on 30 June 2013.

## **1.5 Recommendations**

- 1.5.1 That David Ashton & John Gledhill be appointed as Independent Persons under s28 of the Localism Act 2011, for a term expiring on 30 June 2013.

<b>Screening for equality impacts:</b>		
<b>Question</b>	<b>Answer</b>	<b>Explanation of impacts</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	The government has carried out an equality impact assessment of the changes contained in the Localism Act 2011, which has found that no unintended or disproportionate impact is likely.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	N/A	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

Background papers:

contact: Adrian Stanfield

Localism Act 2011

Adrian Stanfield

Chief Solicitor & Monitoring Officer