

Council

23 April 2026

Appointment of Independent Person

Report from: Bhupinder Gill, Assistant Director, Legal and Governance/Monitoring Officer

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Summary

The Localism Act 2011 requires the appointment of an Independent Person to investigate allegations that a Member is in breach of the Code of Conduct and the appointment of an Independent Person must be approved by the majority of the Members of the authority.

In addition, the Local Authorities (Standing Orders) (England) Regulations 2015 (SI 2015/881) provide that a local authority must include at least two independent persons to a panel hearing the dismissal of a senior officer (Chief Executive, S151 Officer or Monitoring Officer).

This report recommends the appointment of a second Independent Person.

1. Recommendations

- 1.1. The Council is asked to agree the appointment of Mrs Rebecca Bayoji as an Independent Person under section 28(7) of the Localism Act 2011 with effect from 24 April 2026 for a period of 4 years, or until Medway Council ceases to exist if that occurs before the end of the 4 year term, to carry out the functions required by section 28(7) of the Localism Act 2011 and where necessary, the Local Authorities (Standing Orders) (England) Regulations 2015 (SI 2015/881).
- 1.2. That the fee for an Independent Person be set at £350 (£175 per half day).
- 1.3. That Council delegates authority to the Monitoring Officer to agree the fee with the Independent Person on a case by case basis.

2. Budget and policy framework

- 2.1. The Council has complied with a statutory duty to adopt a code dealing with the conduct expected of Members and co-opted Members and has in place a process for considering complaints about Councillors' conduct under the Localism Act 2011. The Council also has common law powers to take action

after considering any concerns about the conduct of Councillors which can be delegated.

3. Background

- 3.1. Pursuant to the Localism Act 2011, each local authority is required to adopt a code of conduct that members (co-optees) elected/appointed to that authority must comply with when undertaking duties associated with holding public office. The code is derived from the Nolan principles of holding public office together with statutory defined elements that every code must contain.
- 3.2. S28(7) of the Localism Act 2011 requires authorities to appoint at least one Independent Person whose views must be sought and taken into account by the authority before it makes its decision on an allegation that it has decided to investigate and whose views should be sought by a member if that person's behaviour is the subject of an allegation. The appointment of an Independent Person under s28(7) of the Localism Act 2011 must be approved by a majority of the Members of the Council. Council agreed the appointment of John Greenhill on 17 October 2024 for a 4 year term.
- 3.3. The Local Authorities (Standing Orders) (England) Regulations 2015 (SI 2015/881) provide that a local authority must include at least two independent persons to a panel hearing the dismissal of a senior officer (Chief Executive, S151 Officer or Monitoring Officer). Therefore, a recruitment process was undertaken to appoint a second Independent Person.

4. Recruitment process

- 4.1. The vacancy for the second Independent Person was advertised during 2025 and 12 applications were received.
- 4.2. Of the 12 applications, five candidates were shortlisted, in consultation with the Chairperson and Vice-Chairperson of the Councillor Conduct Committee and the four Group Whips.
- 4.3. An Interview Panel was set up consisting of the Monitoring Officer and a representative from each political group. The Members selected included Councillor McDonald (Labour and Co-operative Group and Chairperson of the Councillor Conduct Committee), Councillor Brake (Conservative Group), Councillor Crozer (Independent Group) and Councillor Vye (Reform UK Group).
- 4.4. Interviews took place on Monday 2 March 2026 and three of the five shortlisted candidates were interviewed, with one candidate withdrawing their application on the day of interview and one candidate failing to attend. Following the interviews and deliberations by the Interview Panel, it agreed to recommend Mrs Rebecca Bayoji to be appointed to the position by full Council.

5. Advice and analysis

- 5.1. The Council is mandated to have at least one Independent Person for the purposes of the Localism Act 2011. The Monitoring Officer considers it would be beneficial to have a minimum of two to overcome potential issues that may arise due to unavailability or potential conflict of interest/ bias where an Independent Person is consulted by a Member subject to an investigation which proceeds to a determination hearing.
- 5.2. In addition, the Council is mandated to have two Independent Persons to meet the requirements of the Local Authorities (Standing Orders) (England) Regulations 2015.
- 5.3. It is therefore recommended to appoint Mrs Rebecca Bayoji for a four year term, commencing with immediate effect, in order to meet the requirements of the Localism Act 2011 and the Local Authorities (Standing Orders) (England) Regulations 2015.
- 5.4. By appointing a second Independent Person the Council will have met the best practice requirements and will be able to provide for any conflicts of interest that could arise, as well as meeting the requirements under the Local Authorities (Standing Orders) (England) Regulations 2015 in relation to the dismissal process of statutory officers.
- 5.5. The four year term recommended is the maximum term to which an Independent Person can be appointed. The appointment will however cease at the point in which Medway Council no longer exists, under plans for Local Government Reform, which is currently anticipated to occur before the end of the four year term.

6. Risk management

- 6.1. Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community. Using the following table this section should therefore consider any significant risks arising from your report.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Loss of confidence in the ethics regime	The public and others lose confidence in the complaints process	1. Appointment of Independent persons 2. All groups on the Council are involved in the selection process. 3. Only those applicants unanimously agreed upon are recommend for appointment	CIII

Risk	Description	Action to avoid or mitigate risk	Risk rating
Unlawful decision making	Failure to consult with Independent Person before determining a complaint would be a breach of the Localism Act 2011	Appointment of independent person	CIII

Likelihood	Impact:
A Very likely B Likely C Unlikely D Rare	I Catastrophic II Major III Moderate IV Minor

7. Consultation and process of selection

7.1. As set out in section 4, all political groups were represented in the selection of shortlisting and in the final decision to recommend Mrs Rebecca Bayoji to the position.

8. Climate change implications

8.1. There are no direct climate change implications arising from this report.

9. Financial implications

9.1. Payments to the Independent Persons would be covered from existing budgets. The report to Council, when appointing Independent persons in 2020, referenced the payment of an allowance of £350 per full day but no explicit recommendation was considered. To resolve the ambiguity it is recommended that the fee be set at £350 (£175 per half day), to be negotiated by the Monitoring Officer on a case-by-case basis.

10. Legal implications

10.1. Section 28(7) of the Localism Act 2011 requires authorities to appoint at least one Independent Person and the appointment must be approved by a majority of the Members of the Council.

10.2. The Local Authorities (Standing Orders) (England) Regulations 2015 (SI 2015/881) provide that a local authority must include at least two independent persons to a panel hearing the dismissal of a senior officer (Chief Executive, S151 Officer or Monitoring Officer).

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Appendices

None

Background papers

None