

| Report of: | Meeting | Date |
|--|---------------------|--------------|
| Mary Grimshaw, Legal Services Manager | Standards Committee | 16 June 2022 |

Appointment of Independent Persons

1. Purpose of report

- 1.1** To note the retirement of Barry Parsonage, independent person, on 30 June 2022 and to thank him for the valuable service he has provided to the council in this role and wish him well in his retirement.
- 1.2** To note the appointment of a new independent person, Mike Nuttall, by Full Council on 12 May 2022, following the advertisement of the independent person's post.
- 1.3** To note the officers' recommendation to appoint David Gregson as a third independent person, to be considered by Full Council on 7 July 2022.

2. Outcomes

- 2.1** Compliance with the provisions of the Localism Act 2011 ("the Act"), which requires the council to appoint at least one independent person to assist the council in promoting and maintaining high standards of conduct amongst its elected members and town and parish councillors.

3. Recommendations

- 3.1** That the Standards Committee note the impending retirement of Barry Parsonage on 30 June 2022 and note the appointment of Mike Nuttall as an independent person, which was approved by Full Council on 12 May 2022.
- 3.2** That the Standards Committee also note that an application for the independent person's post was received from David Gregson and that following interview, the Monitoring Officer will make a recommendation to Full Council to appoint him as the third independent person.

4. Background

4.1 Barry Parsonage has been an independent person since 25 June 2015 and has advised the Monitoring Officer of his intention to resign at the end of June 2022. Throughout his appointment, he has worked closely with the Monitoring Officer, investigating allegations of misconduct whilst also providing a valuable and independent input in relation to wider ethical governance issues affecting the council. The council, at their meeting of 12 May 2022 thanked him for his many years of service and wished him well in his retirement.

4.2 Individuals appointed as independent persons must be recruited through a formal process. Therefore following Mr Parsonage's notice of resignation, an advert was placed on the council's website in April. The council received applications from two well qualified applicants who were interviewed by the Monitoring Officer and Deputy Monitoring Officer. Mike Nuttall is a former Chief Executive and s.151 officer of South Ribble Council and David Gregson works at Lancaster University and is deputy Chair of the University's Board of Discipline, which deals with more serious breaches of student discipline. Both are considered appropriate individuals to serve as independent persons and fit the criteria under the Act.

4.3 The Act stipulates that a person is not independent (and cannot therefore be considered for appointment) if the person is or has been within the last five years; (i) a Member, co-opted member, or officer of the authority; (ii) a Member, co-opted member or officer of a parish council of which the authority is the principal authority; or (iii) a relative, or close friend, of a person within (i) or (ii) above.

5. Key Issues and proposals

5.1 The council's current independent person Helen Kay will remain in post. Therefore the council will be in the fortunate position of having three independent persons which will provide the council with greater flexibility, to cover for absence or conflicts of interest, and will negate a situation where both the Monitoring Officer and subject member are calling upon the same independent person. It will also provide a wider range of external views and skills/knowledge. Such an approach is in line with best practice and recommendations from the Committee on Standards in Public Life.

5.2 An 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 a Member has failed to comply with its code of conduct or impose 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;

- Any Member against whom an allegation has been made may consult the independent person regarding that allegation.
- In addition, independent persons are required to advise Full Council in the event of any disciplinary action being proposed against the three statutory officers: Head of Paid Service, Monitoring Officer and Chief Finance Officer.

5.3 The Act requires the appointment of independent persons to be approved by “the majority of members of the authority”. As a result, after interviewing the candidates, the Council approved the appointment of Mike Nuttall on 12 May 2022 and will consider a report recommending the appointment of David Gregson on 7 July 2022.

| Financial and legal implications | |
|---|---|
| Finance | None arising directly from this report. |
| Legal | 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 Act does not limit the number of independent persons who can be appointed but does require appointments to be approved by the “majority of members of the authority”. |

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report for those issues marked with an X.

| risks/implications | ✓ / x |
|------------------------|-------|
| community safety | x |
| equality and diversity | x |
| sustainability | x |
| health and safety | x |

| risks/implications | ✓ / x |
|--------------------|-------|
| asset management | x |
| climate change | x |
| ICT | x |
| data protection | ✓ |

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a ‘privacy impact assessment (PIA)’ is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a 3rd party) a PIA will need to have been completed and

signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

| report author | telephone no. | email | date |
|---------------|---------------|---------------------------|------------|
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| List of background papers: | | |
|-----------------------------------|------|--------------------------------|
| name of document | date | where available for inspection |
| None | | |

List of appendices

Appendix 1- Wyre Council – Councillor Code of Conduct (LGA Model Code as amended).

Appendix 2- Wyre Council’s current Councillor Code of Conduct