

Report of:	Meeting	Date	Item no.
The Monitoring Officer (Michael Ryan)	Standards Committee	11 June 2015	6

Independent Persons: Recruitment

1. Purpose of report

- 1.1 To inform the Committee of arrangements being made to recruit Independent Persons to be involved in the processes for dealing with Councillors Code of Conduct complaints and disciplinary procedures for statutory officers.

2. Outcomes

- 2.1 Effective ethical standards arrangements.

3. Recommendation

- 3.1 That the arrangements being made to recruit Independent persons to perform the roles set out in Appendix 1, be noted.

4. Background

- 4.1 Following the implementation of the Localism Act 2011 the Council must appoint an Independent Person to be consulted by the Monitoring Officer and the Standards Committee on ethical standards issues and on the consideration of any alleged breaches of the Code of Conduct by individual Borough, Town or Parish Councillors in the Wyre area.
- 4.2 Stephen Tivnan was appointed to this role by the Council in June 2013 but unfortunately, he had to resign in July 2014 because of changes to his work commitments.
- 4.3 In October 2014 Tony Mozley, an Independent person used by Blackpool and Fylde Councils was appointed on an interim basis. Tony Mozley was subsequently involved in two code of conduct complaints. However, Blackpool and Fylde Councils have now advised that they do not think it is practicable to continue with that arrangement on a longer term basis or to extend their current sharing agreement, particularly as their processes for investigating complaints are slightly different from Wyre's.

- 4.4** Also, the position has now become slightly more complicated following the implementation, from 11 May 2015, of the Local Government (Standing Orders) (England) (Amendment) Regulations 2015. Those Regulations require the Council to also involve an independent person in its disciplinary process for the three officers it is required by law to appoint, that is, the Head of the Paid Service, the Section 151 Officer (Chief Financial Officer) and the Monitoring Officer. At Wyre, these statutory responsibilities are currently allocated respectively to the Chief Executive, the Corporate Director of Resources and the Corporate Director, People and Places.
- 4.5** These new measures have been brought in by the Government with the intention of simplifying and reducing the cost of the previous procedures, whilst maintaining some protection for these officers. An independent person now has to be involved, in particular, in the consideration of a report on an investigation of alleged misconduct by one of the statutory officers, prior to any recommendation to the full Council to dismiss them.
- 4.6** The Regulations state that the Council is required to invite any independent persons appointed for the purposes of the Members' conduct regime under Section 28 of the Localism Act 2011, described above, to be included in this disciplinary process for statutory officers.
- 4.7** It is therefore proposed that new Independent Persons be recruited to fulfil both roles. A role description and a specification of the skills and competencies required is set out in Appendix 1.

5. Key issues and proposals

- 5.1** These positions have been "advertised on the Council's web site and social media outlets. In addition the possibility of entering into an arrangement to share an Independent Person from another Council is also being explored.
- 5.2** The closing date for applications is 5pm on Tuesday 9 June 2015. Interviews with shortlisted candidates will be arranged for later that week or the beginning of the following week, with a view to recommendations on appointments being made to the Council meeting on 25 June. If possible, more than one Independent Person will be appointed, in case unavailability or inability to act on a particular occasion.
- 5.3** A verbal update will be provided to the Standards Committee.

Financial and legal implications	
Finance	No fixed allowance will be paid for undertaking the Independent Person role but, eligible travelling expenses be reimbursed. It is anticipated that costs will be met from within existing budgets.

Legal	The proposals in this report will enable the Council to comply with the legal requirements.
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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 a 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
data protection	x

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List of background papers:		
name of document	date	where available for inspection
None	-	-

List of appendices

Appendix 1 Role Description and Person Specification

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Role of the Independent Persons

The role of the Independent Persons will be:-

1. To assist the Council in promoting high standards of conduct by elected and co-opted members of Wyre Council and town and parish councillors within the Wyre area and, in particular, to uphold the Code of Conduct adopted by the Council.
2. To be consulted by the Monitoring Officer and/or the Standards Committee at any stage in the Council's complaints process, including, in particular:
 - to be available for consultation by the Monitoring Officer on whether or not to investigate a complaint or to seek an informal resolution of a complaint;
 - To be consulted by the Monitoring Officer and/or the Standards Committee on an investigation report on an alleged breach of the Code of Conduct;
 - to be available to attend a meeting of the Standards Committee convened to hold a hearing and make a decision on an alleged breach of the Code of Conduct and if a breach is found, to decide on any sanctions to be imposed.
3. To be available for consultation by any elected member, including a town or parish councillors, who is the subject of a standards complaint (provided that they have not already been involved as an Independent Person in that complaint by the Monitoring Officer).
4. To attend a meeting of a Senior Officers' Disciplinary Committee if convened, to consider reports on any investigations of alleged misconduct by the Councils 3 statutory officers and, if necessary, make recommendations to the full Council on proposed disciplinary action.

Skills and Competencies Required

The independent persons the Council wishes to appoint to this role will have a range of skills and competencies, including:-

- an interest in standards in public life;
- an awareness of the importance of ethical behaviours;

- a wish to serve the local community and uphold local democracy;
- the ability to be objective, independent and impartial;
- good analytical skills and an ability to demonstrate clarity of thought, assimilate information quickly and arrive at balanced judgements;
- an understanding of the need to comply with confidentiality requirements;
- an ability to communicate clearly, verbally and in writing with various people and in a variety of different situations;
- tact and diplomacy in handling sensitive matters.

Ideally, that person will also have:-

- some knowledge and/or experience of local government or other public service and/or of large complex organisations.
- an awareness of and sensitivity to the democratic, political decision making process;
- knowledge and understanding of quasi-judicial or complaints processes;
- Knowledge and/or experience of employee disciplinary processes within a large organisation.

The person appointed will need to be contactable during normal working hours by telephone or by e-mail and be available to attend occasional meetings, which will generally be held in the early evening, but which sometimes may be held during the day.

Eligibility

A person cannot be appointed as an Independent Person if they are, or have within the last 5 years, been an elected Councillor, a co-opted member or officer of Wyre Council; or any town or parish Council within the Wyre area or, if they have a relative or close friend who is a current Councillor or employee of the Council.