

| Report of: | Meeting | Date | Item no. |
|--|---------------------|-----------------|-----------------|
| The Monitoring Officer (Michael Ryan) | Standards Committee | 5 November 2015 | 4 |

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| Independent Person: Recruitment |
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1. Purpose of report

- 1.1 To inform the Committee of the proposed appointment of a second Independent Person to be involved in the processes for dealing with Councillors Code of Conduct complaints.

2. Outcomes

- 2.1 Effective ethical standards arrangements.

3. Recommendation

- 3.1 That the intention to recommend to the Council meeting on 3 December 2015 the appointment of Helen Kay as an Independent person to perform the roles set out in Appendix 1, be noted.

4. Background

- 4.1 A report was submitted to the Standards Committee on 11 June 2015 on arrangements being made at that time to appoint an Independent Person. The Independent Person's role is to consult with the Monitoring Officer and the Standards Committee on ethical standards issues and to consider any alleged breaches of the Code of Conduct by individual Borough, Town or Parish Councillors in the Wyre area, as required by the Localism Act 2011.
- 4.2 As explained in the previous report, following the implementation, from 11 May 2015, of the Local Government (Standing Orders) (England) (Amendment) Regulations 2015, the Council is required to invite any such Independent Person to also be involved 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.
- 4.3 At the subsequent full Council meeting held on 25 June 2015 Barry Parsonage was appointed as an Independent Person to undertake the role set out in Appendix 1.

5. Key issues and proposals

- 5.1** The intention has always been to appoint two Independent Persons, when possible. Following an interview with the Monitoring Officer, the Deputy Monitoring Officer and the Democratic Services and Scrutiny Manager, Helen Kay, who has expressed a willingness to take on this role (having initially applied to join the Council's Independent Remuneration Panel as part of a recent recruitment process for that position) is considered to have the desired experience and competencies set out in the person specification in Appendix 1.

| Financial and legal implications | |
|---|---|
| Finance | No fixed allowance is paid for undertaking the Independent Person role but, eligible travelling expenses will 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 referred to in paragraphs 4.1 and 4.2 of this report. |

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 |

| report author | telephone no. | email | date |
|---|---------------|--------------------------|--------|
| Roy Saunders (Democratic Services and Scrutiny Manager) | 01253 887481 | roy.saunders@wyre.gov.uk | 2/6/15 |

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

Appendix 1 Role Description and Person Specification

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.