

**NORTH LINCOLNSHIRE COUNCIL**

**Council**

**Appointment of Independent Persons and Independent Person Remuneration**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To seek Council's approval to the appointment of two Independent Persons under the Council's Standards Arrangements.
- 1.2 To consider the level remuneration for the role of Independent Person.

**2. BACKGROUND INFORMATION**

- 2.1 Section 28 of the Localism Act 2011 requires the Council to appoint an Independent Person whose views must be sought, and taken into account, before a decision is taken on a Code of Conduct complaint that it has chosen to investigate. Furthermore, only full Council can approve the appointment of an Independent Person.
- 2.2 Council appointed Mr. Jonathan Goolden and Mr. Richard Johnson as its Independent Persons at its meeting on 15 May 2012 (minute 2088 refers). Council also appointed Mr. Wayne Harvie as a non-voting, co-opted member to the Standards Committee.
- 2.7 Mr. Goolden resigned from his position of Independent Person as of the Council's 2019 Annual General Meeting. Accordingly the Standards Committee appointed a cross party sub-committee to oversee the appointment of Mr. Goolden's successor.
- 2.8 The position was publically advertised and interviews with candidates were held on 25 June 2019 and 2 July 2019. The sub-committee, mindful of both the Committee on Standards in Public Life best practice recommendation that "Local Authorities should have access to at least two Independent Persons" and the recent increase in town and parish council related complaints, were minded to appoint, subject to Council approval, two candidates, thereby increasing the pool of Independent Persons, along with Mr. Johnson, to three.

- 2.9 The two candidates that the sub-committee recommend to Council for appointment as Independent Persons are Mr. Wayne Harvie and Mr. Anthony Forbes. The Standards Committee at its meeting on 11 September 2019 endorsed both appointments.
- 2.10 The appointment of Mr. Harvie as an Independent Person would require Mr. Harvie to vacate his position on the Standards Committee as a non-voting, co-opted member but in so doing the Standards Committee recommend that one of the other candidates, Mrs. Sue Wroe be appointed to this vacancy.
- 2.11 In view of both the increase in complaints, particularly from town and parish councils, and the increasing complexity, the Standards Committee also recommend that the remuneration for Independent Persons be revised to £42 per complaint referral. Currently, remuneration is based on attendance at Assessment or Hearings panels, but this means those complaints that are disposed of without the need for a Panel or where multiple complaints are considered at one Panel, go unremunerated. The amount of reading and preparation time for complaints can be considerable, regardless of whether they trigger an Assessment or Hearings Panel.

### **3. OPTIONS FOR CONSIDERATION**

- 3.1 That Council approves the appointment of Mr. Wayne Harvie and Mr. Anthony Forbes as Independent Persons and Mrs. Sue Wroe as a non-voting, co-opted member of the Standards Committee.
- 3.2 That Council does not approve the appointments and commences, via the Standards Committee, a further round of recruitment.
- 3.3 That Council approves the change in remuneration for Independent Persons to £42 per complaint referral.
- 3.4 That Council does not approve the change in remuneration or decides an alternative level of remuneration.

### **4. ANALYSIS OF OPTIONS**

- 4.1 The appointments recommended in paragraph 3.1 follow an open and transparent recruitment process overseen by the Standards Committee and will ensure that the Council continues to accord with best practice, with an expanded pool of three Independent Persons to support its Standards Arrangements.
- 4.2 Should Council decide not to approve the appointments then a further round of recruitment maybe necessary to ensure that the Council

remains compliant with best practice in having more than one Independent Person to support its Standards Arrangements.

4.3 The proposal to remunerate based upon each complaint referral is considered a proportionate recognition of the work undertaken in assessing complaints, which can often involve a lot of reading and preparation and will ensure the work undertaken in considering each complaint is remunerated.

4.4 Council may decide to leave the current remuneration arrangements in place, which would mean, based on existing volumes, that a lot of reading and preparation time goes unremunerated, especially for those complaints that are disposed of without an Assessment or Hearings panel. Alternatively, if Council believes that an alternative level of remuneration should be paid, further work would be required to formulate an alternative remuneration level.

**5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)**

5.1 Any additional costs arising from a change in Independent Person remuneration will be met from the Members' Allowance budget.

**6. OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)**

6.1 The proposals detailed in this report will ensure that the Council's Standards Arrangements remain robust, effective and in accordance with best practice thereby helping maintain a safe organisation.

**7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)**

7.1 An integrated impact assessment is not required to support this report.

**8. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

7.1 No conflicts of interest have been identified or declared arising from this report.

7.2 The Standards Committee supports the recommendations in this report.

**8. RECOMMENDATIONS**

That:

- 8.1 Council approves the appointment of Mr. Wayne Harvie and Mr. Anthony Forbes as Independent Persons and Mrs. Sue Wroe as a co-opted, non-voting member of the Standards Committee; and
- 8.2 Council approves the change in remuneration to Independent Persons to £42 per complaint referral.

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#### **Background Papers used in the preparation of this report**