

Report to Standards Committee

Subject: Recruitment of Independent Person and Reserve Independent Person

Date: 18 July 2024

Author: Monitoring Officer

Purpose

To recommend to Council that David Walsh should be appointed as Independent Person and John Baggaley be appointed as reserve Independent Person.

Recommendation

That Members:

- 1) recommend to Council that David Walsh be appointed as Independent Person under the Localism Act 2011 for 2 years; and
- 2) recommend to Council that John Baggaley be appointed as reserve Independent person under the Localism Act 2011 for 2 years.

1 Background

- 1.1 Members will recall that at the Standards Committee meeting in March 2024, it was agreed that steps be taken to recruit to the role of Independent Person and reserve Independent Person as both current appointments expire in July. The roles were advertised, and three applications were received. The candidates were interviewed by the Chair of Standards Committee, the Monitoring Officer and the Democratic Services Manager, who were appointed by the Chair due to the unavailability of other panel members.
- 1.2 The panel recommends, following interviews, that David Walsh be appointed as Independent Person for two years. David has a wealth of public sector experience, and a solid understanding of local government. In addition, the

interview panel recommends John Baggaley be appointed as reserve Independent Person who is able to act when the Independent Person is unable to do so for example as a result of a conflict in interest, ill-health or absence. John currently holds the Independent Person role and wishes to continue supporting the standards regime in Gedling.

2 Proposal

- 2.1 It is proposed that the Standards Committee recommends to Council that David Walsh be appointed as the Independent Person for 2 years and that John Baggaley be appointed as reserve Independent Person for a period of 2 years.

3 Alternative Options

- 3.1 The Committee could determine not to recommend appointment of these candidates despite both being recommended for the roles by the interview panel. The Committee for Standards in Public Life (CSPL) report recommended that to ensure that the Independent Person's judgement and independence is not compromised by a long period of involvement in a single authority, that Independent Persons should be appointed for a 2-year period only, renewable once. This Committee accepted that a 2-year appointment period for both the Independent and Reserve Independent was appropriate, in line with this recommendation, however, the number of applicants for the roles was limited. The government have responded to the CSPL recommendations (March 2022) in the following terms:

The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.

The Government does not accept this recommendation as appropriate for legislation on the basis that it would be likely to be unworkable. The Government's view is that it would be more appropriately implemented as a best practice recommendation for local authorities. In principle, it may be attractive to limit the terms Independent Persons serve to keep their role and contribution "fresh" and avoid them becoming too closely affiliated with the overriding organisational culture. However, discussions with Monitoring Officers indicate that in practice most local authorities would likely find servicing this rate of turnover unachievable. There is frequently a small pool of people capable and willing to undertake the role, who also fit the stringent specifications of being amongst the electorate, having no political affiliation, no current or previous association with the council, and no friends or family members associated with the council. When local authorities have found effective Independent Persons who demonstrate the capability, judgement and integrity required for this quite demanding yet unpaid role, it is understandable that they may be reluctant to place limitations on the

appointment.

Taking into account the above, the experience that John Baggaley has historically had in the role and the number of applicants, the interview panel determined that the appointment of John Baggaley as reserve Independent person supporting a new Independent Person was appropriate. Whilst the CSPL recommendation is for a 2-year appointment renewable once, this is not a legislative requirement and is not necessarily always practical. It should also be noted that it is a legal requirement to have an Independent person, if these individuals are not recommended for appointment this would leave the council without an Independent Person from July.

4 Financial Implications

- 4.1 On appointment, the Independent person and reserve will be entitled to an allowance. This will be met from existing budgets.

5 Legal Implications

- 5.1 Standards Committee have authority to deal with the recruitment of Independent Persons and Reserves and to make recommendations to Council on appointment. There is a legal requirement to have an Independent person. There is no such requirement in terms of a Reserve Independent Person, however, it is recommended best practice by the CSPL. Recruitment should follow the requirements of the Localism Act.

6 Equalities Implications

- 6.1 There are no equalities implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no carbon reduction/environmental sustainability implications arising from this report.

8 Appendices

- 8.1 None

9 Background papers

- 9.1 [Government response to the Committee on Standards in Public Life review of local government ethical standards \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/672222/government-response-to-the-committee-on-standards-in-public-life-review-of-local-government-ethical-standards.pdf)

Statutory Officer approval

Approved by the Chief Financial Officer

Date:

Drafted by the Monitoring Officer