

Report to Standards Committee

Subject: Appointment of Independent Person and Reserve Independent Person

Date: 19 March 2026

Author: Monitoring Officer

Purpose

To seek approval to recommend to Council the appointment of the current Independent Person David Walsh and Reserve Independent Person John Baggaley for a further two - year term or until the authority is dissolved through Local Government Reorganisation, whichever is sooner.

Recommendation

That Members:

- 1) Recommend to Council the appointment of David Walsh as Independent Person and John Baggaley as Reserve Independent Person for a further 2 year term or until the dissolution of the authority following Local Government Reorganisation.

1 Background

1.1 The Localism Act 2011 ("the Act") requires that the Council's arrangements for dealing with allegations of breach of the Code of Conduct include provision for the appointment of at least one independent person, whose views are to be sought and taken into account by the authority before it makes its decision on an allegation that it has decided to investigate. The arrangements provided by the Council include such provision.

1.2 The Independent Person(s)-

- Must be consulted by the authority before it makes finding on an allegation that it has decided to investigate;
- May be consulted by the authority in respect of a standards complaint at any other stage; and

- May be consulted by a member or co-opted member of the Borough, Council or of a Parish Council against whom a complaint has been made.
- 1.3 The Act requires the Council to appoint at least one Independent Person, however given that there may be occasion where the Independent Person is unable to act for example due to holiday, illness or where there may be a conflict of interest, the Council has also previously appointed a reserve Independent Person. In addition, the Committee for Standards in Public Life (CSPL) best practice recommendations recommend an authority should have access to at least two independent persons.
 - 1.4 In July 2024, David Walsh was appointed as the Independent Person for a period of 2 years and John Baggaley was appointed as Reserve Independent Person for the same period. Both have been invaluable in the roles for the last two years.
 - 1.5 In light of the fact that the current appointment of the Independent Person and Reserve is due to end in July 2026, consideration needs to be given as to whether a further recruitment exercise should be undertaken to appoint to the roles going forward.
 - 1.6 Historically, a full recruitment exercise has been undertaken with applicants interviewed by Members of the Committee. Response to the recruitment however has been limited and the current Reserve Independent Person was the previous Independent Person for a number of years before becoming the Reserve. Whilst the CSPL recommend, that Independent Persons should be appointed for a 2 year period only it is not always easy to fill the roles.
 - 1.7 The current Independent Person was a new appointment in 2024 and has developed well in the role. The Reserve Independent Person has significance experience. In light of the changes to the authority as a result of Local Government Reorganisation approval is sought to extend the current arrangements until completion of LGR.

2 Proposal

- 2.1 It is proposed that the Committee recommend the appointment of the current Independent Person and Reserve Independent Person for a further two years or until the completion of LGR whichever is sooner. This will prevent the need for the expense and time of a recruitment exercise which has historically had limited response and will enable experienced Independent Persons to support the organisation and the current Monitoring Officer and Deputy through to the conclusion of LGR.

3 Alternative Options

- 3.1 Not to appoint an Independent Person and reserve, however, this would be contrary to the requirements of the Act which requires an Independent Person be appointed. It is considered necessary to have a reserve if possible, to ensure complaints can be managed where the Independent Person is unable to act, for example due to a conflict of interest, illness or absence. In addition, the Committee for Standards in Public Life (CSPL) best practice recommendations recommend an authority should have access to at least two independent persons and this is reflected in the Council's Arrangements for Dealing with Complaints.
- 3.2 Committee could recommend a fresh recruitment exercise to the roles, however this would take resource and time at a time when capacity is stretched. Historically the response to the recruitment has been limited and even if new applicants were to come forward, it does take some time to embed into the organisation and understand the way complaints are managed and the role of the Independent Person. The current postholders have significant experience. Whilst the CSPL recommends two years as best practice it is not a legal requirement.

4 Financial Implications

- 4.1 On appointment, the Independent Person and reserve will be entitled to an allowance, agreed by the Council, which can be met from existing budgets.

5 Legal Implications

- 5.1 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. The CSPL also recommend a two year term for IPs however this is not a legal requirement. Appointment to the role is a function of the Council.

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 None

10 Reasons for Recommendations

10.1 To ensure the Council has an Independent Person and Reserve Independent Person in position from July 2026.

Statutory Officer approval

Approved by the Chief Financial Officer

Date:

Drafted by the Monitoring Officer