

CITY OF
WOLVERHAMPTON
COUNCIL

Governance and Ethics Committee

24 November 2022

Report title Appointing an Additional Independent Person

Cabinet member with lead responsibility Councillor Paula Brookfield
Cabinet Member for Governance and Equalities

Accountable director David Pattison, Chief Operating Officer

Originating service Governance

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Report to be/has been considered by

Recommendation for decision:

The Governance and Ethics Committee is recommended to:

1. Agree to the advertisement of two additional Independent Persons to ensure that the Council has at least two Independent Persons in line with best practice, and to delegate responsibility for agreeing the advertisement process to the Chair of the Committee.

1.0 Purpose

- 1.1 To ensure that the Council is able to meet its legal duties in relation to Independent Persons.

2.0 Background

- 2.1 Section 28(7) of the Localism Act 2011 requires Councils to appoint at least one independent person whose views must be sought, and taken into account, by the authority before it makes its decision on a) A Code of Conduct allegation that it has decided to investigate and b) in relation to the dismissal of certain key officers.
- 2.2 The Council currently has one independent person. Best practice indicates the Council should have at least 2 independent persons.
- 2.3 Members who have had an allegation made against them may, if they wish, also seek the views of the independent person.
- 2.4 The section prevents members, officers, their relatives or friends from being appointed as an independent person. (This restriction extends to members and officers of parish councils that have adopted the code of conduct of its principal authority.)
- 2.5 Following the amendment of Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384) by the Local Authorities (Standing Orders) (England) Regulations 2015 (SI 2015/881) (2015 Regulations), the panel hearing the dismissal of a senior officer of the local authority must include at least two independent persons defined as a person appointed under section 28(7) of the LA 2011.
- 2.6 Under the Council's constitution the Governance and Ethics Committee recommends the appointment of independent persons to Council and the Monitoring Officer has delegated authority as regards the advertisement of an independent person.

3.0 Advertisement of further Independent Persons

- 3.1 As detailed above it is proposed that at least 2 additional independent persons are appointed and that the advertisement is primarily placed on the Council's website.
- 3.2 Applications are then considered by the Chair/Vice Chair in line with the approach taken by the Audit and Risk Committee and a recommendation will then be put forward to the next meeting of this Committee.

4.0 Financial implications

- 4.1 There are no financial implications associated with this report.

5.0 Legal implications

- 5.1 The Council has a legal duty to have at least 1 independent person but in view of the requirements in relation to senior officers it is best practice to have at least 2 independent persons. [DP/23112022A]

6.0 Equalities implications

- 6.1 The Council must, in the exercise of its functions, have due regard to the need to:
- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.2 The Council will ensure that it takes steps to ensure that there is a fair process in the appointment of the additional independent persons and that there is a diverse

7.0 Any other implications

- 7.1 There are no other implications arising from the report at the current time.