



CONSTITUTION AND STANDARDS COMMITTEE

Thursday, 17 February 2022

REPORT TITLE:	APPOINTMENT OF INDEPENDENT PERSONS
REPORT OF:	DIRECTOR OF LAW & GOVERNANCE

REPORT SUMMARY

The report seeks approval for the re-appointment of four Independent Persons to sit as co-opted members of the Constitution and Standards Committee. In 2012 four Independent Persons were appointed to the Standards and Constitutional Oversight Committee, which following two resignations was increased to six in December 2017 with the appointment of four further Independent Persons.

The term of office for those four Independent Persons ended in December 2021 therefore this report seeks a recommendation to Council that they be reappointed for a further four years.

RECOMMENDATION/S

The Constitution and Standards Committee is recommended to refer to Council for decision the appointment of the following independent members of the Constitution and Standards Committee, for a period of four years:

Mr G Kerr
Mr JR McCosh
Mrs A Lloyd-Prince
Mr A Wilson

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 Section 27 of the Localism Act 2011 imposes a duty on the Council to “promote and maintain high standards of conduct by Members and co-opted Members” of the Council. The Council is required to adopt a Code dealing with the Conduct that is expected of Members and co-opted Members of the Council when they are acting in that capacity, and must have in place arrangements under which allegations that a Member has failed to comply with the Code of Conduct can be investigated, and arrangements under which decisions on allegations can be made. Those arrangements must include the appointment of at least one “independent person”, whose views must be sought, and taken into account, before any decision on an allegation which has been investigated is taken.
- 1.2 The Council has delegated to the Constitution and Standards Committee the function of investigating and determining any allegations of a breach of the Code of Conduct by individual Members. The Committee comprises of eleven Members of the Council and the Independent Persons, who are non-voting Members of the Committee.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 To not reappoint the four Independent Persons or to appoint a different number. It is felt that a larger pool of Independent Persons ensures there is sufficient cover to accommodate absences and non-availability.

3.0 BACKGROUND INFORMATION

- 3.1 Standards Committees had Independent Members until July 2012. The Localism Act 2011 made significant changes to the Standards regime in local authorities, including the abolition of Independent Members from this date. A new role of Independent Person was established.
- 3.2 It is a requirement of the Localism Act 2011 that the Council must appoint at least one independent person to advise its Standards Committee, particularly on investigations into allegations that a Member has breached the Code of Conduct, and to advise any individual Member of the Council who is the subject of a complaint under the Code of Conduct.
- 3.3 In 2012 four Independent Persons were appointed to the Standards and Constitutional Oversight Committee, which following two resignations was increased to six in December 2017 with the appointment of four further Independent Persons.
- 3.4 The term of office for these Independent Persons has now ended and the Constitution and Standards Committee is recommended to refer to Council their reappointment for a further four years.

4.0 FINANCIAL IMPLICATIONS

4.1 Independent Persons receive a payment of £30 for each meeting they attend and the payment for the use of their private motor vehicle to and from the meeting is made at the rate of 45p per mile.

5.0 LEGAL IMPLICATIONS

5.1 The position of Independent Persons is a statutory requirement through the Localism Act 2011.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are no direct resource implications as a result of this report.

7.0 RELEVANT RISKS

7.1 Having six Independent Persons will ensure that there are Independent Persons in place to undertake the duties set out in the Localism Act 2011.

8.0 ENGAGEMENT/CONSULTATION

8.1 All of the Independent Persons have been consulted and wish to continue acting in their role.

9.0 EQUALITY IMPLICATIONS

9.1 The Independent Persons were nominated in 2017 following an open and inclusive recruitment process.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are no direct environmental implications arising from this report.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 The appointment of Independent Persons affords additional Wirral residents the opportunity to have an active involvement in the duties set out in the Localism Act.

REPORT AUTHOR: **Dan Sharples**
Democracy Business Manager
telephone: 0151 666 3791
email: danielsharples@wirral.gov.uk

APPENDICES

N/A

BACKGROUND PAPERS

The Localism Act 2011, Part 1, Chapter 7
The Local Authorities (Standing Orders) (England) (Amendment) Regulations
2015

SUBJECT HISTORY (last 3 years)

Council Meeting	Date