

REPORT OF CITY SOLICITOR

**TO
COUNCIL**

**ON
17TH MARCH 2021**

TITLE: Appointment of Independent Person

RECOMMENDATIONS:

Council is recommended to:

1. Note the report.
 2. Approve the appointment of Ms Caroline Wolfenden as Independent Person for Salford City Council for an initial term of four years.
 3. Thank Ms Shazia Nazir as outgoing Independent Person for her commitment to the role and assistance to the current and former Monitoring Officers in considering allegations of breaches of the Code of Conduct for Members.
-

EXECUTIVE SUMMARY:

The purpose of this report is to seek the approval of full Council to appoint Ms Caroline Wolfenden as Independent Person for Salford City Council.

BACKGROUND DOCUMENTS:

Council Constitution as published.
Council Report - 18th July 2012 The Localism Act 2011 New Code of Conduct for Members and Arrangements to Deal with Complaints
Localism Act 2011
Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
Council Report-17th July 2019 Appointment of Independent Persons
Standards Committee Report 30th July 2020
Council Report-18th November 2020 Appointment of Independent Persons

KEY DECISION: NO

DETAILS:

Under the provisions of the Localism Act 2011, the way that the Council maintains high standards of conduct and deals with complaints about its elected members requires the appointment of an Independent Person.

The Localism Act provides that the Independent Person is to be consulted by the Council before a decision is made on an allegation that it has decided to investigate in relation to a complaint that the City Mayor, an elected or co-opted member of the Council has or may have failed to comply with our members code of conduct. Their views may also be sought on other matters such as by Members (elected or co-opted) who are the subject of an allegation. A further part of the role is to be part of the Panel to advise the full Council in relation to the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer ('relevant officers') as required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

It is considered important to have more than one Independent Person that can be called upon to assist the Council with Standards matters and to increase resilience and the Committee on Standards in Public Life recommended in its January 2019 report on local government ethical standards that 'Local authorities should have access to at least two Independent Persons.'

Members will recall that, following a robust shortlisting and interview process, full Council on 18th November 2020 approved the appointment of Ms Donna Allen as an Independent Person for Salford City Council and noted that it was not possible to recommend an appointment to the second position of Independent Person at that stage and that a further advertising and recruitment exercise would be initiated in due course.

The role of Independent Person was duly advertised again with a closing date of 6th January 2021. A shortlisting and interview process followed in February 2021, conducted by a panel consisting of the Deputy Monitoring Officer, Manchester City Council's Head of Governance and the Independent Chair of the Standards Committee Mr Jonathan Storey.

The interview panel is pleased to recommend Ms Caroline Wolfenden for appointment as an Independent Person for Salford City Council. Ms Wolfenden was previously appointed to the role by full Council on 17th July 2019 for a period of one year and has supported both the current and former Monitoring Officers in considering how allegations of a breach of the Code of Conduct for Members should be dealt with.

Ms Wolfenden has significant experience of working in local authority environments and values based cultures. She is currently Head of Corporate Policy, Performance and Standards at Rochdale Council. This is a politically restricted role in which she is required to support senior managers and elected members with evidence based decision making. She has experience as an Investigating Manager, investigating allegations of misconduct, preparing investigation reports and making recommendations to the Commissioning Manager, and has also chaired disciplinary

hearings, involving listening to the evidence and making an impartial judgement on the appropriate course of action.

Members will recall that at the meeting of full Council on 18th November 2020, the continuation of the current appointment of Ms Wolfenden and Ms Shazia Nazir was approved until such time as a second Independent Person was recommended for appointment. On behalf of full Council, the Standards Committee would like to take this opportunity to thank Ms Nazir as outgoing Independent Person for her commitment and the assistance she has provided as Independent Person to the current and former Monitoring Officers in considering allegations of breaches of the Code of Conduct.

KEY COUNCIL POLICIES:

Independent Persons, as part of the standards regime, are responsible for embedding compliance with The Code of Conduct which is included in our Constitution. The Constitution sets out the governance framework for local authorities, which provides the foundations for any local authority that aspires to be effective, progressive and successful.

EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS:

The recruitment process was subject to the Council's equal opportunities, recruitment and selection policies.

ASSESSMENT OF RISK:

Candidates were subject to a robust shortlisting and interview process to ensure that they have the relevant skills and experience to successfully carry out their roles.

LEGAL IMPLICATIONS:

The Legal background to appointment of Independent Persons is set out in the body of the report.

FINANCIAL IMPLICATIONS:

Source of funding: Members Revenue Budget

In accordance with the Constitution the annual allowance entitlements for each Independent Person are as follows:

An annual allowance of £408.44 plus an additional £57.00 per half day attendance and £114.00 for a full day.

PROCUREMENT IMPLICATIONS Supplied by: n/a

HR IMPLICATIONS Supplied by: Sam Betts

The recruitment process has been, and will continue to be, in line with the Council's approach to recruitment and selection and carried out in a fair, lawful, transparent and safe manner.

CLIMATE CHANGE IMPLICATIONS: n/a

OTHER DIRECTORATES CONSULTED: n/a

CONTACT OFFICER: Sian Roxborough, City Solicitor

TEL NO: 0161 793 3620

WARDS TO WHICH REPORT RELATES: ALL