

Brighton & Hove City Council

Council

Agenda Item 24

Subject: Appointment of Independent Persons pursuant to the Localism Act 2011

Date of meeting: 23 July 2026

Report of: Director of Governance & Law

Contact Officer: Name: Victoria Simpson, Senior Lawyer – Corporate Law
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Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 This report seeks Council's approval for the appointment of two new Independent Persons to exercise the standards functions prescribed by the Localism Act 2011.

2. Recommendations

- 2.1 That Council approve the appointments of Mr Dean Spears and Mr Paul Cummins as two of the Council's three Independent Persons; and
- 2.2 That Council agree that each of the above appointments shall be for an initial period of 4 years (subject to review after the first 6 month period), further giving the Monitoring Officer delegated authority to implement a 2-year extension thereafter at her discretion after consulting with the Chair of Audit, Standards & General Purposes Committee; and
- 2.3 That the appointment of both of the Independent Persons come into immediate effect, on the date of the decision of full Council.

3. Context and background information

- 3.1 Section 28(7) of the Localism Act 2011 requires the council to appoint at least one Independent Person, whose views are to be sought in relation to Member Code of Conduct issues. The Independent Person (i) must be consulted, and their views taken into account, before the council makes a decision on any allegation relating to a breach of the Member Code of Conduct it has decided to investigate; (ii) may be consulted by the council in other circumstances related to standards issues; and (iii) may be consulted by a Member against whom an allegation of misconduct has been made.
- 3.2 The Independent Person has an important role in relation to complaints made about members of this Council. They are consulted at key points in the complaints process. In addition an Independent Person must be appointed to chair (in a non-voting capacity) any Standards hearing convened to determine a complaint against a member of the council following a formal investigation.

- 3.3 While this Council normally has three Independent Persons, the resignation of one of the appointees at the start of 2026 has meant that currently only two remain in post. Moreover the tenure of David Bradley KC expires in October 2026. Members will wish to acknowledge the contribution which Mr Bradley has made, and to give their thanks for the consistency and clarity with which he has discharged his role and for the impact he has had.
- 3.4 An external recruitment process was initiated by the Council, working alongside the East Sussex Fire Authority (which was also recruiting) to maximise efficiency and publicity. The recruitment involved publicly advertising the vacancies and also sharing information about the role via a range of professional networks, the aim being to ensure that the opportunity attracted applicants from a range of sectors and backgrounds.
- 3.5 The calibre of applications from individuals who met the statutory criteria (including the expectations of independence) was exceptionally high. The Panel's decision to select Dean Spears and Paul Cummins as preferred candidates was unanimous.
- 3.6 Dean Spears' professional skillset includes strengths in the area of governance and he is currently appointed as independent person for another local authority. He resides locally and was able to demonstrate a strong public service ethos as well as a nuanced understanding of the Nolan principles.
- 3.7 Paul Cummins is a qualified solicitor who has had significant experience, acting as a Monitoring Officer at different local authorities. He is currently employed at a senior level by a regulatory body and is also appointed as an independent person to more than one other local authority. He has very considerable experience and expertise of relevance, including of the current legal framework which governs member conduct. As a result, he is considered to be very well-placed to provide the independent and impartial input required by this statutory role.

4. Analysis and consideration of alternative options

- 4.1 The appointment by the Council of at least one Independent Person is a legal requirement. No alternative options are proposed.

5. Community engagement and consultation

- 5.1 No consultation has been undertaken in view of the nature of the appointments, which required public advertisement and a formal recruitment process.

6. Financial implications

- 6.1 There are no direct financial implications arising from this report. All member and Independent Persons allowances are set by the Independent

Remuneration panel and provided for within the general fund revenue budget.

Name of finance officer consulted: Haley Woollard

Date consulted: 17/06/26

7. Legal implications

7.1 These are dealt with in the body of the report.

Name of lawyer consulted: Victoria Simpson Date consulted 17.06.2026

8. Risk implications

8.1 Failing to appoint any independent persons would result in non-compliance with legal requirements.

9. Equalities implications

9.1 There are no equalities implications arising from this Report.

10. Sustainability implications

10.1 There are no sustainability implications arising from this Report.

11. Other Implications

No other significant implications arising from this Report have been identified

12. Conclusion

12.1 The recommendations are proposed for the reasons outlined in this report.

Supporting Documentation

None

