Yorkshire Dales National Park Authority **Item 12**

31 March 2026

Extension of Term of Office of Independent Person

Purpose of the Report

1. To extend the term of office of the Independent Person, Lynda Fothergill.

Recommendation

2. That Members extend the term of office of Lynda Fothergill, Independent Person, for two years until 30 June 2028.

Strategic Framework

3. The information and recommendation(s) contained in this report are consistent with the Authority's statutory purposes and support the strategic planning framework:

    - **Corporate Plan Objective 32**:
      Operate governance arrangements that are fit for purpose as reported through the Annual Governance Statement and the Annual Governance Report.

Background

4. The Authority has a duty, under the Localism Act 2011 ('the Act'), to promote and maintain high standards of Member conduct, and in accordance with the Act has arrangements in place for dealing with allegations of failure to comply with the Member Code of Conduct.

5. Section 28(7) of the Act provides for the appointment by the Authority of at least one Independent Person ('IP'). The Act requires that:

    - the IP's views **must** be sought and taken into account by the Authority before it makes its decision on an allegation which it has decided to investigate;

    - the IP's views **may** be sought by the Authority in relation to an allegation in other circumstances (e.g. before a decision to investigate is taken, and/or in relation to issues other than the final decision on an allegation);
    - the IP's views **may** be sought by a Member of the Authority whose behaviour is the subject of an allegation of breach of the Code of Conduct

6. In 2015, the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 changed the procedures for dismissal of Statutory Officers. Any panel set up to

consider disciplinary action in relation to the Statutory Officers (the Head of Paid Service, the Chief Financial Officer and the Monitoring Officer) should now include at least two Independent Persons.

7. On 26 June 2018, the Authority appointed two new Independent Persons. The term of office is not set out in legislation and is therefore at the discretion of the Authority. At the time of appointment, Ms Lynda Fothergill and Mr Alex Rocke were appointed for different durations to provide the Authority with continuity.

8. Ms Fothergill was appointed for a term of five years to June 2023 and this was extended by Members for a further 3-year period to June 2026. Mr Rocke was appointed for a term of three years to June 2021 which was extended by the Authority in March 2021 to June 2024 and then extended again in March 2024 until March 2027.

9. An extension would avoid the time and expense of an unnecessary recruitment exercise and subsequent training. Both Independent Persons attend the annual Standards Conference for Independent Persons and Standards Committee. The Authority receives very few Member complaints that require IP consultation or involvement during investigation and the independence of the IPs hasn't been compromised due to the low volume of complaints received.

10. The Monitoring Officer has provisionally sought Ms Fothergill's view on whether she would agree to an extension to her term of office as Independent Person, subject to the Authority's approval of this extension. Ms Fothergill has confirmed that she is agreeable to the proposed two-year extension until 30 June 2026.

Financial Implications

11. None.

Legal Implications

12. Section 28(7) of the Act provides for the appointment by the Authority of at least one Independent Person ('IP').

Equality, Diversity and Inclusion Implications

13. None.

Conclusion

14. Extension of Ms Fothergill's term of office will enable the Authority to retain a suitably trained Independent Person and ensure the Authority has continuity in office.

Clare Burrows Director of Corporate Services