

Sandwell Metropolitan Borough Council

16 January 2018

Subject:	Appointment of Independent Person for Standards matters and Independent Member to the Audit and Risk Assurance Committee
Director:	Director - Monitoring Officer - Surjit Tour
Contribution towards Vision 2030:	
Contact Officer(s):	Trisha Newton Principal Democratic Services Officer Trisha_newton@sandwell.gov.uk

DECISION RECOMMENDATIONS

That Council:

1. Consider the appointment of Mr John Tew to the position of Independent Person for Standards matters for a four year period ending 31 January 2022.
2. Consider the appointment of an Independent Member to the Audit and Risk Assurance Committee.

1 PURPOSE OF THE REPORT

1.1 Independent Person for Standards matters

- 1.2 In accordance with the Localism Act 2011, arrangements must be put in place for the appointment by the Council of at least one Independent Person whose views must be sought and taken into account by the Council before it makes its decision on an allegation against an elected member that it has decided to investigate.

- 1.3 The Independent Person's views may be sought by a member or co-opted member of the Council if that person's behaviour is the subject of an allegation, and may also be sought by the Council in relation to an allegation it has not yet decided to investigate.
- 1.4 The Council has decided to have three Independent Persons. Following a resignation, there was a vacancy. The position was advertised and four candidates were interviewed in December 2017 by the Leader of the Council and the Chair and Vice Chair of the Ethical Standards and Member Development Committee.
- 1.5 Mr John Tew has been offered the position, subject to Council approval.
- 1.6 **Independent Member for the Audit and Risk Assurance Committee**
- 1.7 At the Council meeting on 4 April 2017, as part of the 2017/18 Governance (Committee and Scrutiny Board Structure) review, it was agreed to appoint another Independent Member to the Audit and Risk Assurance Committee.
- 1.8 The position has been advertised and an interview has been arranged to take place on 11 January 2017. The interview panel consists of the Chair of the Audit and Risk Assurance Committee, the Head of Audit and the Director – Monitoring Officer.
- 1.9 An update will be provided to Council at the meeting.

2 IMPLICATIONS FOR SANDWELL'S VISION

- 2.1 The role of the Independent Person for Standards is advisory and is important in providing assurance to the Council and the public that standards matters are being dealt with effectively, fairly and proportionately.
- 2.2 The Audit and Risk Assurance Committee contributes to the achievement of Sandwell's vision by examining and reporting on the state of the council's governance, risk management and internal control environment.

3 STRATEGIC RESOURCE IMPLICATIONS

- 3.1 The role of Independent Person/Independent Member is a voluntary position and no annual allowance is paid in respect of this appointment. However, travelling and subsistence expenses are paid at the appropriate rate. The cost of advertising is met from within existing budgets.

4 LEGAL AND GOVERNANCE CONSIDERATIONS

- 4.1 Section 27 of the Localism Act 2011 requires authorities to promote and maintain high standards of conduct by their members and co-opted members. The Act requires local authorities to have in place mechanisms to investigate allegations that a member has not complied with their Code of Conduct, and arrangements under which decisions on allegations may be made.

- 4.2 Section 28(7) requires local authorities to appoint at least one Independent Person to advise the Council before it makes a decision on an allegation that is to be the subject of an investigation. The Independent Person also advises a member facing an allegation who has sought the views of that person. There are restrictions on who can be appointed as the Independent Person, mainly, that the Independent Person cannot be a councillor, officer or their relative or close friend. Public notice has to be given of recruitment for the role.

Surjit Tour
Director – Monitoring Officer