

Ethical Standards and Member Development Committee

4 October 2019

Subject:	Standards Working Group Update – Remuneration for Independent Persons dealing with standards matters
Director:	Surjit Tour – Director of Law and Governance and Monitoring Officer
Contribution towards Vision 2030:	
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DECISION RECOMMENDATIONS

That the Ethical Standards and Member Development Committee:

1. Considers the recommendations of the Standards Working Group in respect of remuneration for independent persons dealing with standards matters.
2. Considers authorising the Chair/Vice Chair, in conjunction with the Standards Working Group, to proceed with recruitment in the interim period whilst the options for remuneration/joint recruitment are being further investigated.

1 PURPOSE OF THE REPORT

- 1.1 At its meeting on 28 September 2018, the Ethical Standards and Member Development Committee gave approval to a joint recruitment exercise being undertaken with Walsall Council in relation to the appointment of Independent Persons for dealing with standards matters. The Committee also gave authorisation to the Chair of the Ethical Standards and Member Development Committee to approve a new job role for the Independent Person and to agree all necessary recruitment arrangements/procedures between both Councils, in consultation with the Director of Law and Governance and Monitoring Officer and Walsall Council.

- 1.2 Walsall MBC's Standards Committee gave consideration to the joint recruitment exercise at its meeting on 8 July 2019. Walsall MBC also gave to remuneration of independent persons (plus expenses).
- 1.3 Currently independent persons are entitled to claim mileage and expenses. In the event that Sandwell is not minded to proceed with remuneration then both authorities would continue the appointments process to appoint its own Independent Person(s).
- 1.4 The Standards Working Group met on 24 September 2019 to consider the proposal to provide remuneration to independent persons for dealing with standards matters.
- 1.5 The Working Group considered that a more detailed analysis would be required in order to make an informed decision and requested that officers bring back a further report to include:-
 - recruitment – would remuneration improve the situation, was this the reason for difficulties in recruiting the correct calibre of candidates;
 - benchmarking with regional local authorities – where they had commenced remuneration had this demonstrated a change in recruitment pattern;
 - independent positions recruited to across the Council which were also non-paid positions – roles/responsibilities;
 - options of remuneration - such as payment per meeting.
- 1.6 A further report would be submitted to the Standards Working Group for consideration.

2 IMPLICATIONS FOR VISION 2030

- 2.1 The Independent Person helps to provide public confidence in the manner in which the Council deals with complaints against its Elected and Co-opted Members.
- 2.2 The role of the Independent Person 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.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 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 made a decision on an allegation against an elected member that it had decided to investigate.
- 3.2 The Independent Person's views may be sought by a member or co-opted member of the Council if that person's behaviour was the subject of an allegation, and may also be sought by the Council in relation to an allegation it had not yet decided to investigate.
- 3.3 Sandwell currently has one Independent Person, following the expiry of the term of office for two Independent Persons, there are two vacancies.
- 3.4 To improve the prospects of securing successfully the appointment of two further Independent Persons, the Director of Law and Governance and Monitoring Officer has liaised with the Monitoring Officer at Walsall MBC with a view to undertaking a joint recruitment exercise.
- 3.5 The benefits of a joint recruitment exercise include:-
- a broader remit attracting a broader pool of potential candidates;
 - greater opportunities for the sharing of knowledge and support amongst the Independent Persons;
 - increased opportunities to gain greater experience; and
 - a joint recruitment exercise would mean the costs of the recruitment could be shared between both councils.
- 3.6 Any successful recruitment exercise would be on the basis that the person(s) appointed would act as an Independent Person for both councils. Each authority would however need to confirm the appointment of the Independent Person through their respective Full Council. Each Council would therefore still retain control over the appointment.
- 3.7 It was proposed that the arrangements for the recruitment exercise principally followed the same processes that had been undertaken in the past, such as an advert being placed in the local newspaper, Council website and other forums, etc. and that both Council details and contact information were on relevant recruitment literature.

- 3.8 One change that was proposed was for the Recruitment Panel to be reconfigured as a joint panel made up of an equal number of Committee Members from both councils. The Chair and Vice Chair of the Panel would be agreed by the Panel Members. Any successful candidate would be by majority decision in favour.

4 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 4.1 It is proposed to undertake a benchmarking exercise with regional/local authorities.

5 ALTERNATIVE OPTIONS

- 5.1 A further report will be submitted to the Standards Working Group outlining options available.

6 STRATEGIC RESOURCE IMPLICATIONS

- 6.1 The role of Independent Person 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.

7 LEGAL AND GOVERNANCE CONSIDERATIONS

- 7.1 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.
- 7.2 Section 28(7) of the Act requires local authorities to appoint at least one Independent Person to advise the Council before it makes a decision on an allegation. 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.

8 EQUALITY IMPACT ASSESSMENT

8.1 Not applicable to this report, however, an assessment may be necessary as part of the proposed analysis.

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 A data protection impact assessment is not required.

10 CRIME AND DISORDER AND RISK ASSESSMENT

10.1 A crime and disorder risk assessment is not required.

11 SUSTAINABILITY OF PROPOSALS

11.1 Sandwell currently has one Independent Person, following the expiry of the term of office for two Independent Persons, there are two vacancies. It is important to improve the prospects of securing successfully the appointment of two further Independent Persons.

12 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

12.1 There are no health and wellbeing implications arising from this report.

13 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

13.1 There is no impact on Council property arising from this report.

14 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

14.1 A further report will be submitted to the Standards Working Group for consideration.

15 BACKGROUND PAPERS

Minute No. 8/18 of the Ethical Standards and Member Development Committee (28 September 2018) and subsequent liaison with Walsall MBC on the proposed joint recruitment exercise.

16 APPENDICES:

None

Surjit Tour

Director of Law and Governance and Monitoring Officer