

## Ethical Standards and Member Development Committee

6 March 2020

<b>Subject:</b>	Recruitment of Independent Persons for dealing with Standards matters
<b>Director:</b>	Surjit Tour - Director of Law and Governance and Monitoring Officer
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s):</b>	Surjit Tour Surjit_tour@sandwell.gov.uk

### **DECISION RECOMMENDATIONS**

#### **That the Ethical Standards and Member Development Committee:**

1. Notes the progress with regard to the recruitment of Independent Persons for dealing with Standards matters.
2. In the event that there are successful applicants following the interview process, a recommendation be made to Council with regard to appointment(s).

#### **1 PURPOSE OF THE REPORT**

- 1.1 To provide the Committee with an update with regard to recruitment of Independent Persons for dealing with Standards matters.

#### **2 IMPLICATIONS FOR VISION 2030**

- 2.1 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 makes a decision on an allegation against an elected member that it has decided to investigate. 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.
- 3.2 The Council has decided to have three Independent Persons. There are currently two vacancies.

### **4 THE CURRENT POSITION**

- 4.1 At its meeting on 28<sup>th</sup> 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.
- 4.2 Walsall MBC's Standards Committee gave approval to the joint recruitment exercise at its meeting in July 2019 and also gave approval to remuneration of independent persons (plus expenses).
- 4.3 The Standards Working Group met on 24 September 2019 to consider the proposal to provide remuneration to independent persons for dealing with standards matters and 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.
- 4.4 At its meeting on 4 October 2019, the Ethical Standards and Member Development Committee gave approval to the Director of Law and Governance and Monitoring Officer to proceed with recruitment in the interim period, whilst the options for remuneration/joint recruitment are being further investigated (Minute No. 32/19 refers).

- 4.5 To enable statutory processes to be followed a recruitment exercise has been undertaken. The position has been advertised on WM Jobs, Express and Star in print and on-line job search and on the Council's website. Interviews were due to take place at the end of February and an update will be provided to the Committee as to the outcome of the interviews with a view to making a recommendation to Council at its next meeting should there be successful applicant(s).

## **5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)**

- 5.1 In accordance with the Localism Act 2011, the vacancy for an independent person has been advertised in such manner as the authority considers is likely to bring it to the attention of the public.

## **6 ALTERNATIVE OPTIONS**

- 6.1 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 makes a decision on an allegation against an elected member that it has decided to investigate.

## **7 STRATEGIC RESOURCE IMPLICATIONS**

- 7.1 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.

## **8 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 8.1 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.

- 8.2 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.

## **9 EQUALITY IMPACT ASSESSMENT**

- 9.1 An equality impact assessment is not required.

## **10 DATA PROTECTION IMPACT ASSESSMENT**

- 10.1 A data protection impact assessment is not required.

## **11 CRIME AND DISORDER AND RISK ASSESSMENT**

- 11.1 A crime and disorder risk assessment is not required.

## **12 SUSTAINABILITY OF PROPOSALS**

- 12.1 Section 28(7) of the Localism Act 2011 requires local authorities to appoint at least one Independent Person to advise the Council before it makes a decision on an allegation.

## **13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

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

## **14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

- 14.1 None arising from this report.

## **15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 15.1 To provide the Committee with an update with regard to recruitment of Independent Persons for dealing with Standards matters.

## **16 BACKGROUND PAPERS**

16.1 Requirements set out by Localism Act 2011.

**Surjit Tour**

**Director of Law and Governance and Monitoring Officer**