

Report to Ethical Standards and Member Development Committee

7 November 2023

Subject:	Review of Independent Persons dealing with Standards Matters
Director:	Surjit Tour Director of Law and Governance
Contact Officer:	Surjit Tour - Director of Law and Governance/ Mike Jones - Assistant Director – Legal and Assurance

1 Recommendations

For the reasons set out in the report, it is recommended that:–

- 1.1 the Monitoring Officer be requested to undertake a further round of recruitment for additional Independent Persons using a range of media, online, community and professional forums to ensure a diverse and representative pool of applicants is identified; and
- 1.2 the Committee note allowance and remuneration arrangements in neighbouring and peer authorities and requests the Independent Remuneration Panel review and comment, as a matter of urgency, its findings reported back to a future meeting of this Committee.







2 Reasons for Recommendations

- 2.1 The Localism Act 2011 requires that the Council must put in place arrangements for the appointment 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 Council has decided to have three Independent Persons. Currently there are two vacant positions.



2.2 Previous findings of the Standards Working Group (October 2022) recommended that the Independent Remuneration Panel be requested to provide their findings on the matter of remuneration of Independent Persons, and other similar roles in the authority. At the time of writing, the Independent Remuneration Panel has not yet provided its comment.

3 How does this deliver objectives of the Corporate Plan?

		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.
		
		

4 Context and Key Issues

- 4.1 The Committee on Standards in Public Life recommended there should be at least 2 Independent Persons for standards matters. It in turn recommended their 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.
- 4.2 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.
- 4.3 In order to be eligible to be an Independent Person, s.28 Localism Act 2011 requires that an individual must not be an Elected Member, Co-opted Member or officer of Sandwell Council and must not have held any of these roles in the past 5 years prior to the appointment. The Council has decided to have three Independent Persons.
- 4.4 Full Council has previously given approval to the appointment of 3 Independent Persons for dealing with standards. There is currently 1 Independent Person and 2 vacancies. A recent recruitment exercise resulted in 1 completed application form was received. The application was put on hold pending review and has since been withdrawn.



Remuneration

- 4.5 A benchmarking exercise was undertaken to review remuneration packages from similar Local Authorities. As the role is voluntary position no annual allowance is paid in respect of this appointment, other than payment of travelling and subsistence expenses at the appropriate rate.
- 4.6 Some authorities pay an allowance in recognition of the responsibilities of role (see table 1 below). This approach is permissible under s.28 of the Localism Act 2011 - *'a person appointed under the provision required by subsection (7) does not cease to be independent as a result of being paid any amounts by way of allowances or expenses in connection with performing the duties of the appointment'*.

Table 1

Local Authority	Annual Payment	Expenses	Number of IP
Swindon	£1,341	Travel and subsistence costs.	1
Portsmouth		Expenses	3
Milton Keynes	£640	Travel and subsistence costs.	2
Sunderland	£1,000	Travel and subsistence	2
Newcastle	£2,300 (Independent Chair) £1,150 (Independent Joint Vice Chair)	Paid in monthly instalments	2
Doncaster	£700 + £150 per sub committee hearing + £50 per meeting for Annual Report of MO		2



Local Authority	Annual Payment	Expenses	Number of IP
Sheffield	£809.21	Paid in monthly instalments – equal to co-opted members	2
Wakefield	£1,115.18		1
Salford	£580.78 (Chair) £408.44	Additional £57.00 per half day attendance and £114.00 for a full day	2
Coventry		Travel expenses will be paid	4
Wigan	£1,255 (+£127 per meeting if acting as Chair)		1
Bury	£500 (Additional £106 per meeting that exceeds 4 hours; £53 per meeting for meetings up to 4 hours)		1
Telford	£320.64		2
Walsall	£750	Subsistence/other related expenses	3
Wolverhampton	£750	Reasonable Expenses	1
Dudley		Reasonable Expenses	1

Walsall MBC offer remuneration to their Independent Persons *“to ensure that the Council attracts high quality candidate whilst recognising the complexity of the role, Standards Committee agreed that an allowance for members of the Standards Committee should be paid”*.



- 4.7 Walsall MBC advertised vacancies at a similar time as Sandwell but offering remuneration of £750.00 per annum (plus expenses). Walsall MBC has confirmed that they have appointed 3 Independent Persons as a result of their recent advert and that they received a wider breadth of community representative applications when compared to previous recruitment campaigns. In addition, their appointed Independent Persons have also been appointed to act as Independent Members on their Audit Committee.
- 4.8 There is currently no allocated budget to remunerate Independent Persons. As with Members of the Authority, should an allowance be agreed and implemented, claiming said allowance is not compulsory and so any Independent Person may choose not to do so.

5 Implications

Resources:	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. Should it be determined that the role be remunerated the council will require a budget to fund this. We currently have no allocated budget for this.
Legal and Governance:	S.27 of the Localism Act 2011 requires authorities to promote and maintain high standards of conduct by their members and co-opted members. This report sets out how the Council is complying with this statutory responsibility and undertaking continuous review of the process. The position of Independent Persons does not require a fixed term of appointment to be agreed and so the appointments are not for a fixed period. Subject to consideration of feedback from the Independent Remuneration Panel at a future meeting of the Committee, reasonable travel expenses will continue be paid to the Independent Persons. In all other respects this is a voluntary role.



Risk:	S. 28(7) of the Localism Act 2011 requires local authorities appoint at least one Independent Person to advise the Council before it makes a decision on an allegation.
Equality:	An equality impact assessment is not required.
Health and Wellbeing:	There are no direct implications arising from this report.
Social Value:	There are no direct implications arising from this report.
Climate Change:	There are no direct implications arising from this report.
Corporate Parenting:	There are no direct implications arising from this report.

6 Appendices

None.

7. Background Papers

None.

