

# Report to Council

**30 January 2024**

<b>Subject:</b>	Appointment of Independent Person for Standards Matters
<b>Director:</b>	Mike Jones Assistant Director Legal and Assurance Monitoring Officer <a href="mailto:Mike_jones1@sandwell.gov.uk">Mike_jones1@sandwell.gov.uk</a>
<b>Contact Officer:</b>	Stephnie Hancock Deputy Democratic Services Manager <a href="mailto:Stephnie_Hancock@sandwell.gov.uk">Stephnie_Hancock@sandwell.gov.uk</a>

## 1 Recommendation

- 1.1 That Council approve the extension of the appointment of Mr Richard Phillips as Independent Person for Standards Matters, for a further four-year period ending 11 March 2028
- 1.2 That the Assistant Director Legal and Assurance and Monitoring Officer be given delegated authority to approve any further extensions to contracts for Independent Persons for Standards Matters.

## 2 Reasons for Recommendations

- 2.1 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 its decision on an allegation against an elected member that it has decided to investigate.



- 2.2 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.
- 2.3 The Council has decided to have three Independent Persons. The recruitment process has commenced to appoint two further Independent Persons, any recommendations as to a further appointment will be submitted to Council at a future meeting.
- 2.4 The appointment of Mr Richard Phillips is due to expire on 10 March 2024. Mr Phillips has indicated that he is happy to continue in the role and Council is therefore asked to consider an extension of Mr Phillip's appointment for a further four-year period. Any future extensions to existing Independent Person appointments will be delegated to the Monitoring Officer to approve.

### 3 How does this deliver objectives of the Corporate Plan?

	<p>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.</p>
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### 4 Context and Key Issues

- 4.1 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. The Committee on Standards in Public Life recommended that there should be at least two Independent Persons for Standards Matters. 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. 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.



- 4.2 In order to be eligible to be an Independent Persons Under S28 Localism Act 2011 the person must not be an Elected Member, Co-opted Member or officer of Sandwell Council and they must not have been any of the above in the past five years prior to the Appointment.

## 5 Implications

<b>Resources:</b>	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.
<b>Legal and Governance:</b>	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. 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.
<b>Risk:</b>	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.
<b>Equality:</b>	An equality impact assessment is not required.
<b>Health and Wellbeing:</b>	There are no direct health and wellbeing implications arising from this report.
<b>Social Value:</b>	There are no direct social value implications arising from this report.
<b>Climate Change:</b>	There are no direct climate change implications arising from this report.



<b>Corporate Parenting:</b>	There are no direct corporate parenting implications arising from this report.
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## 6 Appendices

None

## 7. Background Papers

None

