

Report to Council

7 December 2021

Subject:	Appointment of Independent Person for Standards Matters
Director:	Surjit Tour – Director of Law and Governance and Monitoring Officer
Contact Officer:	Trisha Newton Senior Democratic Services Officer Trisha_Newton@sandwell.gov.uk

1 Recommendations

- 1.1 That Council considers the extension of the appointment of Mr John Tew, Independent Person for Standards Matters for a further four year period ending 31 January 2026.







2 Reasons for Recommendations

- 1.1 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.
- 1.2 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.



- 1.3 The Council has decided to have three Independent Persons. There is currently a vacancy and the recruitment process has commenced to appoint a third Independent Person, any recommendations as to a further appointment will be submitted to Council at its meeting in March.
- 1.4 Of the two currently appointed Independent Persons, one appointment in relation to Mr John Tew is due to expire on 31 January 2022. Mr Tew has indicated that he is happy to continue in the role for a further period and Council is therefore asked to consider an extension of Mr Tew's appointment for a further four year period.
- 1.5 At its meeting on 9 November 2021, the Ethical Standards and Member Development Committee made a recommendation to Full Council that Mr Tew's appointment be extended for a further four year period.

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 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 2 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 S 28 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 5 years prior to the Appointment. The Council has decided to have three Independent Persons.
- 4.3 The Council currently has 2 Independent persons. One was appointed on 31 January 2018 until 31 January 2022 (and has agreed to remain in place for a further four year period, subject to Council approval). A recruitment exercise was carried out in early 2020, which resulted in one suitable candidate being appointed as an Independent Person on 10 March 2020 until 10 March 2024. This left one remaining vacancy which is currently being advertised and any recommendations for appointment will be submitted to Full Council for approval in March.

5 Implications

Resources:	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.
Legal and Governance:	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.



Risk:	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.
Equality:	An equality impact assessment is not required.
Health and Wellbeing:	There are no direct health and wellbeing implications arising from this report.
Social Value	There are no direct social value implications arising from this report.

6 Appendices

None

7. Background Papers

None

