

## Ethical Standards and Member Development Committee

28 September 2018

<b>Subject:</b>	<b>Appointment of Independent Members to the Ethical Standards and Member Development Committee</b>
<b>Director:</b>	<b>Director – Monitoring Officer – Surjit Tour</b>
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s):</b>	Trisha Newton Principal Democratic Services Officer <a href="mailto:Trisha_newton@sandwell.gov.uk">Trisha_newton@sandwell.gov.uk</a>

### **DECISION RECOMMENDATIONS**

That the Ethical Standards and Member Development Committee:

1. Review and approve the process to appoint Independent Members to the Ethical Standards and Member Development Committee as set out in this report.

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

- 1.1 For the Ethical Standards and Member Development Committee to review and approve the process to appoint an Independent Member pursuant to the Localism Act 2011.

## **2 IMPLICATIONS FOR SANDWELL'S VISION**

- 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 makes a decision on an allegation against an elected member that it has 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 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.
- 3.3 The Council has decided to have three Independent Persons. Following the expiry of the term of office for two Independent Persons, there are currently two vacancies.
- 3.4 To improve the prospects of securing successfully the appointment of two further Independent Persons, the Director – Monitoring Officer has liaised with his opposite number 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 may attract a broader pool of potential candidates;
  - there is greater opportunities for the sharing of knowledge and support amongst the Independent Persons
  - increased opportunities to gain greater experience; and
  - a joint recruitment exercise means the costs of the recruitment can be shared between both councils.
- 3.6 The role description for an Independent Person for standards matters is attached at Appendix 1. (This has not been agreed with Walsall Council but was used in the previous recruitment exercise).

## PROPOSED RECRUITMENT

- 3.7 Any successful recruitment exercise would be on the basis that the person(s) appointed would act as an Independent Person for both councils. Each council would however need to confirm the appointment of the Independent Person through Full Council. Each council would therefore still retain control over the appointment.
- 3.8 It is proposed that the arrangements for the recruitment exercise principally follows the same processes that we have undertaken in the past, such as an advert being placed in the local newspaper, Council website and other forums etc, that both council details and contact information is on relevant recruitment literature.
- 3.9 One change that is proposed is 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 will be agreed by the Panel Members. Any successful candidate must be by majority decision in favour.
- 3.10 Appendix 1 sets out the Role criteria for the Independent Person previously used. It is proposed that the Committee authorises the Committee Chair to approve a new joint job role (which is likely to be along similar lines to Appendix 1) with Walsall Council for the purposes of this recruitment exercise.
- 3.11 It is also proposed that the Committee authorises the Chair to finalise and agree all necessary recruitment arrangements/procedures between both councils to ensure an effective recruitment exercise is undertaken.

## **4 STRATEGIC RESOURCE IMPLICATIONS**

- 4.1 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.

## **5 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 5.1 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.
- 6.2 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.

## **Surjit Tour**

### **Director – Monitoring Officer**



### **APPOINTMENT OF INDEPENDENT PERSON – BACKGROUND INFORMATION**

Under the provisions of the Act the Council is responsible for deciding how to deal with standards issues at a local level, including adopting its own local code of conduct for elected members and determining what arrangements it will adopt to deal with complaints about member conduct.

The Act provides that the Council must appoint an Independent Person or persons to assist in discharging these responsibilities. Full details of the role and responsibilities of the Independent Person are included in this Recruitment Pack.

The Council already has one Independent Persons and is seeking to make a further two appointments.

The Independent Person will be required to be contactable at all times during normal working hours by telephone or by email and to attend hearings as necessary, which are usually held during the day and possibly at relatively short notice.

### **SELECTION CRITERIA SKILLS AND COMPETENCIES**

The Independent Person will have:

- a keen interest in standards in public life.
- a wish to serve the local community and uphold local democracy.
- the ability to be objective, independent and impartial.
- sound decision making skills
- leadership qualities, particularly in respect of exercising sound judgement.

The Independent Person will:

- be a person in whose impartiality and integrity the public can have confidence.
- understand and comply with confidentiality requirements.
- have a demonstrable interest in local issues.
- have an awareness of the importance of ethical behaviours.
- be a good communicator.

### Desirable additional criteria are:

- working knowledge/experience of local government or other public service and/or of large complex organisations.
- awareness of and sensitivity to the political process.
  
- knowledge and understanding of judicial/quasi-judicial or complaints processes.

You should demonstrate in your application how you meet the above criteria as this will assist the short-listing process.

Candidates will be assessed via the application form and by interview.

### Eligibility for Appointment

A person cannot be appointed as an Independent Person if they are or were within a period of 5 years prior to the appointment:

- a member, co-opted member or officer of the authority.
- a member, co-opted member or officer of a parish council in the District Council's area, or a relative or close friend of the above.

### Remuneration

This is a voluntary position and no annual allowance is payable in respect of this appointment, however travelling and subsistence expenses will be paid at the appropriate rate.

### Special conditions

1. The Independent Person must sign an undertaking to comply with the Council's Code of Conduct for Members and disclose their interests in the register of members' interests.
2. Applicants must disclose whether they hold any contract with the Council.
3. Applicants must disclose whether they are a party to any outstanding complaint or grievance against the Council.
4. Canvassing by the candidate will disqualify your application.

## **ROLE DESCRIPTION**

Responsible to: The Council

Liaison with: Monitoring Officer, Deputy Monitoring Officer, members of the Ethical Standards and Member Development Committee, officers and members of the Council and key stakeholders within the community.

1. To assist the Council in promoting high standards of conduct by elected and co-opted members of the Council and in particular to uphold the Code of Conduct adopted by the Council and the seven principles of public office, namely selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
2. To be consulted by the Council through the Monitoring Officer, Deputy Monitoring Officer, and/or the Ethical Standards and Member Development Committee before it makes a decision on an investigated allegation and to be available to attend local hearings as necessary.
3. To be available for consultation by the Monitoring Officer, Deputy Monitoring Officer, and/or the Ethical Standards and Member Development Committee before a decision is taken as to whether to investigate a complaint or to seek local resolution of the same.
4. To be available for consultation by any elected member or co-opted member who is the subject of a standards complaint.
5. To develop a sound understanding of the ethical framework as it operates within the Council.
6. To participate in training and networking events to develop skills, knowledge and experience.
7. To act as advocate and ambassador for the Council in promoting ethical behaviour.