

Item 21

REPORT OF THE EXECUTIVE DIRECTOR, CORE SERVICES

FULL COUNCIL – 27TH SEPTEMBER 2018

LOCALISM ACT 2011 – ARRANGMENTS FOR DEALING WITH ETHICAL STANDARDS COMPLAINTS: APPOINTMENT OF INDEPENDENT PERSONS

1. Purpose of the Report

1.1 The report seeks Council confirmation of the recent appointment of two Independent Persons to assist the Monitoring Officer in dealing with Ethical Standards complaints as required by the relevant provisions of the Localism Act 2011.

2. Recommendations

2.1 **That Ms J Cairns and Mr David Waxman be appointed as Independent Persons for the purposes of the relevant provisions of the Localism Act 2011 for the remainder of the Municipal Year subject to reappointment on an annual basis at the Annual Council, such reappointment not to extend beyond May 2022.**

3. Background

3.1 The Localism Act 2011 introduced a new statutory framework for dealing with Standards Issues. In July 2012, the Council adopted a new Code of Conduct, created a Standards Committee and adopted a procedure for investigating Standards Complaints. The Act also created the new role of Independent Person which must be appointed by a Council.

3.2 This role is reflected in the procedures adopted by the Council. In addition, the role may also involve serving on a panel that would advise the council on matters relating to the dismissal of any of the three Statutory Officers (Head of Paid Service, Monitoring Officer and the Chief Finance Officer).

3.3 The Independent Persons must be consulted at various stages of the complaints' process and assist the Monitoring Officer in considering complaints that a Member may have breached the Code of Conduct. The role of the Independent Person is essentially advisory. Any Council decision making body which is giving consideration to an Ethical Standards complaint is required to consult the Independent Person and must give due regard to their views before reaching any determination as to the outcome of a complaint. The Monitoring Officer is also entitled in their discretion to consult the Independent Person and in particular to do so when giving consideration whether or not any complaint received should be the subject of formal investigation. Any elected member who is the subject of the complaint may also seek the views of the Independent Person.

3.4 Local authorities are entitled to appoint one or more Independent Persons. There are advantages in making more than one appointment as it provides scope for providing both the decision making body and the Member who is the subject of a complaint to seek the views of the Independent Person, without suggestion of conflict.

3.5 The Council Meeting on 8 November 2012 appointed three Independent Persons for a term of four years, which was extended further until such time a full recruitment exercise took place. The exercise was undertaken jointly with Sheffield City Council and the South Yorkshire Joint Authorities. Remuneration of the posts was shared between the three authorities.

4. Appointment Process.

4.1 A recruitment process commenced in April 2018 to appoint two Independent Persons and existing Independent Persons were eligible to apply. The shortlisted candidates were interviewed on 17 July 2018.

4.2 The interview panel comprised Cllr Jim Andrews, Deputy Leader (BMBC), Cllr Josie Paszek, Chair of Audit and Standards Committee (SCC), Gillian Duckworth, Director of Legal and Governance/Monitoring Officer (SCC) and Martin McCarthy, Service Director BMBC/Deputy Clerk (SY Joint Authorities). Four candidates were interviewed by the panel.

4.3 All of the applicants were considered by the panel to be of a satisfactory standard and had relevant related experience in dealing with standards complaints. However the panel considered that the following two applicants should be appointed to the position of Independent Person for a four year term:

Mr. David Waxman

Ms. Jo Cairns

5. Implications

5.1 Legal - There are no direct legal implications. The Council is required to appoint Independent Persons to support the Council's Monitoring Officer in addressing Ethical Standards Complaints in accordance with the provisions of the Localism Act 2011.

5.2 Financial - The two Independent Persons receive an annual allowance of £737.00 paid monthly. The allowance is split equally between the Council, Sheffield City Council and South Yorkshire Fire and Rescue Authority.

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September 2018.**