

## BARNSELY METROPOLITAN BOROUGH COUNCIL

**REPORT OF: EXECUTIVE DIRECTOR, CORE SERVICES**

**TITLE: APPOINTMENT OF INDEPENDENT PERSONS UNDER THE MEMBER CODE OF CONDUCT**

<b>REPORT TO:</b>	<b>COUNCIL</b>
<b>Date of Meeting</b>	<b>29 SEPTEMBER 2022</b>
<b>Cabinet Member Portfolio</b>	<b>Core Services</b>
<b>Key Decision</b>	<b>No</b>
<b>Public or Private</b>	<b>Part Exempt</b> If private or part exempt complete the following: Exempt Information, Local Government Act 1972, Schedule 12A Part 1 Paragraph 1 – background papers contain confidential information

### **Purpose of report**

To seek Council approval to appoint independent persons under the member Code of Conduct

### **Council Plan priority**

Enabling Barnsley – ensuring good governance

### **Recommendations**

That Council:-

1. Approves the appointment of David Waxman and Karen Widdowson as Independent Persons under the Member Code of Conduct for a four year term.

## **1. INTRODUCTION**

- 1.1 The report advises Council of proposed appointments of two Independent Persons that assist the Monitoring Officer in dealing with Standards complaints, following a recent recruitment process.

## **2. PROPOSAL**

- 2.1 The Localism Act 2011 introduced a statutory framework for dealing with Standards Issues which requires each Council to adopt a Code of Conduct for members. The Council's Code of Conduct includes a procedure for investigating Standards Complaints that by law requires the involvement of Independent Persons, who must be appointed by the Council.
- 2.2 In addition, the role of Independent Person 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 Services, Monitoring Officer and the Chief Finance Officer).
- 2.3 The Independent Persons must be consulted at various stages of the complaint process and assist the Monitoring Officer in considering complaints that a Member may have breached the Code of Conduct.
- 2.4 The Council previously appointed two Independent Persons for a term of four years, which are coming to an end. The appointments were undertaken jointly with Sheffield City Council, the South Yorkshire Fire and Rescue Authority and Integrated Transport Authority with the remuneration of the posts shared.

## **3. Recruitment Process**

- 3.1 A recruitment process began in July 2022 to appoint two Independent Persons to the new posts. The posts were advertised for a two week period on the Councils' websites and also on the free job websites at the Sheffield Universities. The existing Independent Persons were eligible to apply for the new posts.
- 3.2 The shortlisted candidates were interviewed on 24th August 2022 and the new appointments were made jointly with Sheffield City Council.
- 3.3 The interview panel comprised of Cllr Colin Ross, Chair of Audit and Standards Committee (SCC), Gillian Duckworth, Director of Legal and Governance/Monitoring Officer (SCC), Sukdave Ghuman, Service Director and Monitoring Officer (BMBC) and Jason Field, Head of Legal Services (BMBC) and Monitoring Officer for South Yorkshire Fire and Rescue Authority. Two candidates were interviewed by the panel.
- 3.4 Both applicants were considered by the panel to be of a satisfactory standard and had relevant related experience in dealing with standards complaints. 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
  - Mrs Karen Widdowson

## **2. IMPLICATIONS OF THE DECISION**

### **3.1 Financial and Risk**

The two Independent Persons receive their annual allowance of £787.04, split over a monthly basis which is equivalent to the allowance paid to co-opted members of the Council. The allowances are split between Sheffield City Council and Barnsley Metropolitan Borough Council.

### **3.2 Legal**

There are no legal implications beyond those set out in the report

### **3.3 Equality**

Not applicable – statutory recruitment process

### **3.4 Sustainability**

Decision-making wheel not completed because the subject matter is not project based

### **3.5 Employee**

None

### **3.6 Communications**

None

## **4. CONSULTATION**

Councillor Shepherd Chair of the Appeals Awards and Standards Regulatory Board regarding the recruitment process

## **5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 None - the Council is required to ensure it has access to Independent Persons under the Localism Act 2011

## **6. REASONS FOR RECOMMENDATIONS**

- 6.1 See paragraph 3.4

## **7. BACKGROUND PAPERS**

Application forms of both candidates [ Exempt Information, Local Government Act 1972, Schedule 12A Part 1 Paragraph 1 ]

If you would like to inspect background papers for this report, please email [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk) so that appropriate arrangements can be made

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**Date: September 2022**