

ebayBARNSELEY METROPOLITAN BOROUGH COUNCIL

REPORT OF: EXECUTIVE DIRECTOR, CORE SERVICES

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

REPORT TO:	COUNCIL
Date of Meeting	28 March 2024
Cabinet Member Portfolio	Core Services
Key Decision	No
Public or Private	Public

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 Martyn Thorpe and David Irvine 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 complaints process and assist the Monitoring Officer in considering complaints that a Member may have breached the Code of Conduct.
- 2.4 At the Council Meeting held on 29 September 2022, appointment had been made for two Independent Persons for a term of four years. This had been undertaken jointly with Sheffield City Council (SCC) and South Yorkshire Fire and Rescue Authority (SYFRA), with the remuneration of the posts shared between the three authorities.

3. Recruitment Process

- 3.1 A recruitment process began in September 2023 to appoint an extra two Independent Persons to the new posts. The posts were advertised for a four-week period on the Councils' websites, and it was sought to contact a wide range of local organisations in the public, private and voluntary sectors to raise awareness of the vacancies.
- 3.2 The shortlisted candidates were interviewed on 28 November 2023 and the new appointments would be made jointly with SCC and SYFRA.
- 3.3 The interview panel comprised of Robert Parkin, Assistant Director, Legal Services and Deputy Monitoring Officer (Interim) (SCC), Sarah Hyde, Democratic Services Team Manager (SCC), and Sukdave Ghuman, Service Director and Monitoring Officer (BMBC) and 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 Irvine
Mr Martyn Thorpe

- 3.5 One of the longer serving Independent Persons, David Waxman, has given notice to step down from his role with effect from the end of this municipal year.

4 IMPLICATIONS OF THE DECISION

4.1 Financial and Risk

The Independent Persons receive their annual allowance of £787.00, split over a monthly basis which is equivalent to the allowance paid to co-opted members of the Council. The allowances are split between SCC and SYFRA.

4.2 Legal

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

4.3 Equality

Not applicable – statutory recruitment process

4.4 Sustainability

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

4.5 Employee

None

4.6 Communications

None

5. CONSULTATION

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

6. ALTERNATIVE OPTIONS CONSIDERED

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

7. REASONS FOR RECOMMENDATIONS

- 7.1 See paragraph 3.4

8. 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 so that appropriate arrangements can be made

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Posts: Service Director, Law & Governance Services & Monitoring Officer

Date: 29 February 2024