



## SHEFFIELD CITY COUNCIL Report to Council

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**Report of:** Lynne Bird - Director of Legal Services

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**Date:** 7 November 2012

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**Subject:** Appointment of Independent Person in accordance with the Localism Act, 2011

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**Author of Report:** Lynne Bird

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### **Summary:**

This report proposes that members appoint three Independent Persons for Sheffield City Council, in accordance with the Council's Code of Conduct and the Localism Act. The appointment to be made jointly with Barnsley MBC and the South Yorkshire Joint Authority

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### **Recommendations:**

That the Council resolves:

1. To appoint Stuart Carvell, Marvyn Moore and David Waxman as Independent Persons as defined by the Localism Act 2011:

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**Background Papers:** None

**Category of Report:** OPEN

## Statutory and Council Policy Checklist

<b>Financial implications</b>
NO
<b>Legal implications</b>
YES
<b>Equality of Opportunity implications</b>
NO
<b>Tackling Health Inequalities implications</b>
NO
<b>Human rights implications</b>
NO
<b>Environmental and Sustainability implications</b>
NO
<b>Economic impact</b>
NO
<b>Community safety implications</b>
NO
<b>Human resources implications</b>
NO
<b>Property implications</b>
NO
<b>Area(s) affected</b>
ALL
<b>Relevant Scrutiny Committee if decision called in</b>
NOT APPLICABLE
<b>Is the item a matter which is reserved for approval by the City Council? YES</b>
<b>Press release</b>
NO

## **1 SUMMARY**

- 1.1 This report proposes the appointment of three Independent Persons in accordance with statute, the Council's Code of Conduct and procedure for investigating Standards complaints.

## **2 WHAT DOES THIS MEAN FOR THE PEOPLE OF SHEFFIELD?**

- 2.1 The Independent Person role is required by the procedure for upholding the Council's Code of Conduct. The role is an important part of the Council's regulatory procedures. It provides an assurance to the public that their elected Members comply with the highest standards of ethical conduct.

## **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
- 3.2 The Localism Act created the new role of Independent Person which must be appointed by a Council. The new role is reflected in the procedures adopted by the Council.
- 3.3 It was decided to appoint three Independent Persons jointly with Barnsley MBC and South Yorkshire Joint Fire and Rescue and Integrated Transport Authorities. The remuneration of the posts will be shared between the three authorities. This creates a pool of Independent Persons allowing flexibility, a wide range of skills, better accessibility and avoids problems with potential conflicts of interests. It also allows an Independent Person to be available to the complainant or elected member who is different to the Independent Member advising the Monitoring Officer and Standards Committee.
- 3.4 The Independent Person must be appointed through a process of public advertisement which has now taken place. Seven applicants have been interviewed by Members and officers and three have been recommended for appointment. The Monitoring Officer has established that the three recommended candidates are Independent as defined by the Act.

## **4 FUNCTIONS OF THE INDEPENDENT PERSON**

- 4.1 The Independent Person(s):-

- Must be consulted by the Authority before it makes a decision whether to investigate an allegation.
- May be consulted by a Member who is subject to an allegation.
- May be consulted by a Parish Member who is subject to an allegation.

4.2 The role of the Independent Person in Sheffield is set out in the procedure for investigating complaints which has been approved by Council. It is intended that the role will evolve in consultation with the Standards Committee, Whips and the Monitoring Officer as the new procedure is put into practice.

## **5 FINANCIAL IMPLICATIONS**

5.1 There will be an annual Allowance of £707.98 paid for one Independent Member (this is equivalent to the allowance paid to co-optees of committees of the Council). The allowance for the other two Independent Persons will be paid by Barnsley and the South Yorkshire Joint Fire and Rescue and Integrated Transport Authorities.

## **6 LEGAL IMPLICATIONS**

6.1 Legal Implications are incorporated into this report.

## **7 ENVIRONMENTAL IMPLICATIONS**

7.1 There are no environmental or sustainability implications from this report.

## **8 EQUALITY OF OPPORTUNITY IMPLICATIONS**

8.1 There are no equality of opportunity implications from this report.

## **9 RECOMMENDATIONS**

That the Council resolves:

- 1 To appoint Stuart Carvell, Marvyn Moore and David Waxman as Independent Persons as defined by the Localism Act, 2011.