



Report to Council

Report of: David Hollis - General Counsel and Monitoring Officer

Date: 7th February 2024

Subject: Appointment of the Independent Persons and Co-Opted Members of Audit and Standards Committee

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Summary:

The report advises Council:-

-of the recommended appointment of two Independent Persons that assist the Monitoring Officer in dealing with Standards complaints following the recent recruitment process; and

-of the recommended appointment of one non-voting Co-opted Member to join the Audit and Standards Committee to oversee and assess the Council's risk management, control, and corporate governance arrangements.

Recommendations:

That Council:-

- approves the appointment of the two Independent Persons (David Irvine and Martyn Thorpe) for a term of four years;
- approves the appointment of one non-voting Co-Opted Member of the Audit and Standards Committee (James Brackley) for a four-year term; and
- extends the term of the current non-voting Co-Opted Member of the Audit and Standards Committee (Alison Howard) for a further 4 years from May 2024.

Background Papers:

None

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial & Commercial Implications
YES
Legal Implications
YES – Cleared by Andrea Simpson
Equality of Opportunity Implications
YES
Climate impact
NO
Tackling Health Inequalities implications
NO
Human Rights implications
NO
Economic impact
NO
Community Safety implications
NO
Human Resources implications
NO
Property implications
NO
Area(s) affected
NONE
Is the item a matter which is reserved for approval by the City Council?
YES
Press release
NO

1. INTRODUCTION & BACKGROUND

- 1.1 The report advises Council of the recommended appointment of two Independent Persons that assist the Monitoring Officer in dealing with Standards complaints, and the recommended appointment of one non-voting Co-Opted Member of the Audit and Standards Committee to oversee and assess the Council's risk management, control, and corporate governance arrangements, following recent recruitment processes. The report also recommends extending the term of the current non-voting Co-Opted Member of Audit and Standards for a further four years.

2. PROPOSALS

2.1 Independent Persons

- 2.1.1 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.
- 2.1.2 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 Services, Monitoring Officer and the Chief Finance Officer).
- 2.1.3 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.
- 2.1.4 It has often been challenging to recruit suitable volunteers to serve as Independent Persons. Due to the nature of the role, there are parameters set out in legislation regarding who and who may not be appointed. Consequently, the Council has adopted a pragmatic approach to recruitment of Independent Persons by entering into joint arrangements with Barnsley Metropolitan Borough Council and the South Yorkshire Fire and Rescue Authority.
- 2.1.5 The Council Meeting on 14th September 2022 appointed two Independent Persons for a term of four years. This was undertaken jointly with Barnsley Metropolitan Borough Council and the South Yorkshire Fire and Rescue Authority, with the remuneration of the posts shared between the three authorities.

2.2 **Co-Opted Members**

- 2.2.1 Although not a legal requirement, CIPFA good practice suggests that local authority Audit Committees should include at least two co-opted committee members to supplement the expertise of existing membership. Article 9 of the Council's Constitution allows up to 3 non-voting Co-Opted Members to sit on the Audit and Standards Committee. The role plays a crucial part of the Council's corporate governance structure and is responsible for overseeing and assessing the Council's risk management, control and corporate governance arrangements.
- 2.2.2 As a member of the Committee the Co-Opted Member will advise the Council on the adequacy and effectiveness of its arrangements, ensuring that they are in line with industry standards. In addition to these responsibilities, as a member of the Committee or its Hearing Sub-Committee, the Co-Opted Member will also be responsible for promoting high standards of conduct by Councillors and Co-Opted Members, overseeing the Councillor Code of Conduct and considering complaints alleging that a Member may have breached the Code.
- 2.2.3 The Council currently has one Co-Opted Member (Alison Howard) who was appointed to the role at Full Council in May 2020, following a recruitment process in November 2019. Similar to the Independent Person these roles can also be challenging to recruit to due to the specialist nature of the role and parameters set to who can be considered for the roles.

3. **RECRUITMENT PROCESSES**

3.1 **Independent Persons**

- 3.1.1 It was felt that having a larger pool of Independent Persons would be beneficial to SCC and BMBC, which would enable more independence and resilience in dealing with Standards matters. 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 Council's website and we sought to contact a wide range of local organisations in the public, private and voluntary sector to raise awareness of the vacancies.
- 3.1.2 The shortlisted candidates were interviewed on 28th November 2023 and the new appointments would be made jointly with Barnsley Metropolitan Borough Council (BMBC).
- 3.1.3 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). Two candidates were interviewed by the panel.

- 3.1.4 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

- 3.1.5 Following on from this recruitment one of the Council's longer serving Independent Persons, David Waxman, has decided to step down from his role and this will be effective from the end of this municipal year.

3.2 **Co-Opted Members**

- 3.2.1 The recruitment process for the Co-Opted Members ran in tandem with the Independent Member recruitment process and began in September 2023 to appoint an extra two Co-Opted Members to the new posts. The posts were advertised for a four-week period on the Council's website, and we sought to contact a wide range of local organisations in the public, private and voluntary sector to raise awareness of the vacancies.

- 3.2.2 The shortlisted candidates were interviewed on 15th December 2023. The interview panel comprised of Councillor Mohammed Mahroof, Chair of Audit and Standards Committee, Phillip Gregory, Director of Finance and Commercial Services (S151 Officer) and David Hollis, General Counsel and Monitoring Officer. Two candidates were interviewed by the panel.

- 3.2.3 One candidate was considered to be of a satisfactory standard and had the relevant experience and skills to carry out the role of Co-Opted Member of Audit and Standards Committee. The panel considered that the following candidate should be appointed to the position of Co-Opted Member for a four-year term:

Dr James Brackley

- 3.2.4 The existing Co-opted Member of Audit and Standards Committee, Alison Howard's term comes to an end in May 2024 and after a discussion between her and the Monitoring Officer, David Hollis, it was agreed that her term would be recommended for renewal for a further four years. This would ensure the Committee has two serving Co-Opted Members and continuity of having an experienced Co-Optee on the Committee.

- 3.2.5 The third vacancy would go back out to advert at a later date.

4. **RISK ANALYSIS & IMPLICATIONS**

4.1 **Legal Implications**

4.1.1 Section 28 of the Localism Act 2011 prescribes the need for a council to appoint at least one Independent Person, although no term of office is specified; the role that the Independent Person plays in the arrangements for dealing with allegations of misconduct by councillors; and the various requirements for independence that those applying for appointment must satisfy. In accordance with the Localism Act 2011, the authority appoints the Independent Person and so appointment has to be approved by a majority of the Members of the Full Council.

4.1.2 Committees are appointed by the Council in accordance with section 102 of the Local Government Act 1972 and may include members who are not elected members of the local authority. The appointment of the Co-Opted Member for Audit and Standards Committee has to be approved by a majority of the Members of the Full Council.

4.2 **Financial and Commercial Implications**

4.2.1 The Independent Persons receive their annual allowance of £787.00, split over a monthly basis. The allowances are split between Sheffield City Council and Barnsley Metropolitan Borough Council. The allowance rate is set by Barnsley Metropolitan Borough Council.

4.2.2 The Co-Opted Members receive an annual allowance of £809.21 and this is split over a monthly basis. These roles are not shared with any other authority and the allowance rate is set by Sheffield City Council.

4.3 **Equality of Opportunity Implications**

4.3.1 We sought to attract a diverse range of candidates through the recruitment processes. The adverts for each role were shared widely with community groups and organisations throughout South Yorkshire.

4.4 **Other Implications**

4.4.1 In total the Council will have three Independent Persons for Standards matters:

- Mrs Karen Widdowson – term until municipal year end 2027
- Mr David Irvine – term until municipal year end 2028
- Mr Martyn Thorpe – term until municipal year end 2028

4.4.2 In total the Council will have two non-voting Co-Opted Members on the Audit and Standards Committee:

- Mrs Alison Howard – term until municipal year end 2028
- Dr James Brackley – term until municipal year end 2028

There is still an open vacancy for a third Co-Opted Member.

5. **ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 The Council must appoint at least one Independent Person as per the Localism Act 2011 and as per CIPFA guidance at least two Co-Opted Members of the Audit and Standards Committee. There was no option to do nothing.
- 5.2 The Council could have allowed the current Co-Opted Member's appointment to lapse, however it was felt beneficial to extend this appointment for a further term so the Council has at least one experienced Co-Opted Member. This allows the Council to satisfy the requirements of two appointed Co-Opted Members.

6. **REASONS FOR RECOMMENDATION**

- 6.1 To ensure that the Council complies with the requirement to have at least one Independent Person as per the Localism Act 2011 and at least two Co-Opted Members as recommended good practice by CIPFA.