

BABERGH DISTRICT COUNCIL and MIDSUFFOLK DISTRICT COUNCIL

From Monitoring Officer	Report Number M91
To Council	Date of meeting 28 September 2012

LOCALISM ACT 2011 – ARRANGEMENTS FOR THE DISCHARGE OF STANDARDS FUNCTIONS

1. Purpose of Report

- 1.1 To appoint the Council's 'independent persons' pursuant to section 28(7) of the Localism Act 2011. A view will be sought from one of the 'independent persons' where an allegation is made against a district, town or parish councillor under the general duties within the Local Code of Conduct.
- 1.2 To appoint the Council's co-opted members to the Babergh and Mid Suffolk Joint Standards Committee.
- 1.3 To note the urgent action taken out of meeting by the Chief Executive in consultation with the Chairman of the Council to appoint co-opted members to the Joint Standards Committee (Appendix 2 refers).

2. Recommendation

- 2.1 That the individuals listed on page 1 of Appendix 1 be appointed as the Council's 'independent persons' pursuant to section 28(7) of the Localism Act 2011 for a term of up to 2 years.
- 2.2 That Mr J G Watson be appointed as the Council's independent co-opted member of the Babergh and Mid Suffolk Joint Standards Committee for a term of 4 years.
- 2.3 That Mrs T Kavvadias be appointed as the Council's parish co-opted member of the Babergh and Mid Suffolk Joint Standards Committee for a term of 4 years.
- 2.4 That the urgent action, taken under the general power to act out of meeting, to appoint Mr Watson and Mrs Kavvadias as co-opted members of the Joint Standards Committee pending ratification by Full Council, be noted.

3. Financial Implications

- 3.1 A County-wide pool of independent persons has been established. Each Council will pay for one person at a cost of £300 per annum. A Council will additionally pay the independent person at a cost of £50 per complaint which has been the subject of an investigation. The newspaper advertising costs will be shared equally among the 8 Councils

The allowance for co-opted members of the Joint Standards Committee needs to be fixed and appears as a separate item on the Council agenda.

4. Risk Management

4.1 Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Complaints cannot be processed which would be a breach of the Localism Act 2011.	Low	Critical	Transitional arrangements already in place.

5. Consultations

5.1 The arrangements set out within this report have previously been approved by Full Council on 19 June 2012.

6. Equality Analysis

6.1 The positions referred to within this report have all been advertised.

7. Shared Service / Partnership Implications

7.1 All of the Suffolk local authorities have agreed to participate in the arrangements for a County pool of 'independent persons.'

7.2 The Councils previously agreed that there should be 2 co-opted members on the Joint Standards Committee per authority, being one independent member and one town/parish representative.

8. Key Information

8.1 The Localism Act requires Councils to appoint at least one independent person whose views should be obtained and taken into account before a decision is taken on a standards complaint. At its meeting on 19 June 2012, Full Council approved arrangements for a County-wide pool of 'independent persons' with each Council being able to instruct anyone from the 'pool'. The positions were advertised in the East Anglian Daily Times and following a selection and interview process, the eight individuals whose profiles appear at Appendix 1 are recommended for appointment across the County. Mr Barrow and Mr George served as independent members on the previous Joint Standards Committee and as former co-opted members they are not eligible to undertake the role for Babergh and Mid Suffolk. Council is therefore asked to appoint the first six individuals (on page 1) only.

8.2 Full Council also approved at its meeting on 19 June the establishment of a new Joint Standards Committee between Babergh and Mid Suffolk to include (aside from the 6 elected members) 2 co-opted members for each authority, being 1 independent member and 1 parish representative. The co-opted member positions have been advertised. Application was received from Mr J G Watson, who has in the past served as a Chairman of the Babergh Standards Committee and Mr Watson is recommended for appointment as the Babergh independent member. Application was also received from Mrs T Kavvadias of Kettlebaston Parish Council and who served on the previous Joint Standards Committee. Mrs Kavvadias is recommended for appointment as Babergh's parish representative on the Committee.

8.3 Following the cancellation of the August Council meeting, and to enable Joint Standards Committee business to be properly effected, the Chief Executive exercised her delegated powers to appoint the co-opted members to the Committee.

9. Appendices

Title	Location
Appendix 1 – Profiles for ‘independent persons.’	Attached
Appendix 2 – Urgent action out of meeting	Attached

10. Background Documents

10.1 None.

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Independent Persons

Following a selection process, it is recommended that the individuals below be appointed by Babergh and Mid Suffolk District Councils as 'independent persons' under section 28 of the Localism Act 2011:

Roger Bailey

Mr Bailey retired as the Chief Executive of East Herts District Council in 2002 and since that time has worked at several local authorities on an interim basis, most recently at Colchester Borough Council. Mr Bailey lives in Woodbridge.

Carey Godfrey

Mr Godfrey was previously Suffolk County Council's Drug and Alcohol Team Co-ordinator, and is a former Independent Member of Suffolk Police Authority. He is an Independent Member on the County Performance (Adoption) Panel. Mr Godfrey lives in Ipswich (Babergh District Council).

Philip Key

Mr Key has been a Magistrate since 1997 and was a member of the Suffolk Probation Board until 2010. Mr Key has been an Independent Community Member of Suffolk County Council's Standards Committee since September 2010. Mr Key resides in Lowestoft.

Graham Moss

Mr Moss retired from Suffolk Constabulary in January 2012 after 32 years service, and has been an Independent Community Member of Suffolk County Council's Standards Committee since September 2010. Mr Moss was born in Suffolk and resides in Woolpit.

Andrew Peck

Dr Peck is a semi-retired solicitor (non practising) with 25 years partner level experience. He has also been involved in a wide range of Committees at Milton Keynes Council, including as a Co-opted Independent Member of their Audit Committee and various other roles with amongst others the Open University and the Homes and Communities Agency. Born in Ipswich, Dr Peck has recently returned to the county and now lives in Felixstowe.

Kevin Williams

Mr Williams is the former Headteacher of Westborne High School in Ipswich and has been a Co-opted Independent Member of Suffolk Coastal District Council's Standards Committee since 2002. Mr Williams lives in Felixstowe.

The following individuals previously served on the Babergh and Mid Suffolk District Council Joint Standards Committee and consequently do not qualify for appointment as 'independent persons' by either Babergh or Mid Suffolk. They will, however, be appointed by the other Suffolk authorities:

Arnold Barrow

Mr Barrow served as Chief Probation Officer in Suffolk between 1984 and 2001, and has been an Independent Community Member of the Mid Suffolk Standards Committee since 2008. Mr Barrow moved to Suffolk in 1978 and lives in Stowmarket.

Andrew George

Mr George is a member of the Audit and Healthcare Subcommittees of the Ipswich Hospital Trust, and has been an Independent Community Member of the Babergh Standards Committee. Mr George lives in Wivenhoe.

BABERGH DISTRICT COUNCIL

URGENT ACTION – GENERAL POWER TO ACT OUT OF MEETING

**ACTION FOR WHICH CHIEF EXECUTIVE HAS DELEGATED
POWERS SUBJECT TO CONSULTATION WITH CHAIRMAN**

SERIAL NO

SUBJECT MATTER: APPOINTMENT OF CO-OPTED MEMBERS TO THE JOINT STANDARDS COMMITTEE

COMMITTEE TO WHICH MATTER RELATES: Full Council

REASON FOR ACTION BEING TAKEN OUT OF MEETING:

Appointments had been scheduled to be made at Full Council on 21 and 23 August 2012, but these meetings have been cancelled. Appointments need to be made to enable Joint Standards Committee business to be properly effected.

BACKGROUND:

At meetings of Full Council on 19 June 2012 (BDC) & 21 June 2012 (MSDC), it was resolved that a Joint Standards Committee be established. Further, that a selection process be commenced to appoint 2 non-voting Co-opted Members (1 Parish Council representative, 1 independent) to the Committee for each Council.

The positions have been advertised and applications received from 3 persons, all of whom have previously served on the Joint Standards Committee.

There is 1 vacancy for a parish representative in the Babergh District for which there are no current applicants and which will need to be re-advertised.

FINANCIAL IMPLICATIONS (IF ANY):

The allowances for Co-opted Members will be fixed at a future meeting of Full Council.

ACTION AUTHORISED:

That the following persons be appointed as Co-opted Members of the Joint Standards Committee subject to ratification at the next meeting of Full Council:-

Mr J G Watson (Independent Co-opted Member – Babergh)

Mr C Reeve (Independent Co-opted Member – Mid Suffolk)

Mrs N Willshere (Parish Co-opted Member – Mid Suffolk)

BABERGH DISTRICT COUNCIL

URGENT ACTION – GENERAL POWER TO ACT OUT OF MEETING

ACTION FOR WHICH CHIEF EXECUTIVE HAS DELEGATED POWERS SUBJECT TO CONSULTATION WITH CHAIRMAN

SERIAL NO

SUBJECT MATTER: APPOINTMENT OF CO-OPTED (PARISH) MEMBER TO THE JOINT STANDARDS COMMITTEE

COMMITTEE TO WHICH MATTER RELATES: Full Council

REASON FOR ACTION BEING TAKEN OUT OF MEETING:

Appointments of Co-opted Members of the Joint Standards Committee had been scheduled to be made at Full Council on 21 August 2012, but this meeting was cancelled. Appointments need to be made to enable Joint Standards Committee business to be properly effected.

BACKGROUND:

At Full Council on 19 June 2012, it was resolved that a Joint Standards Committee be established. Further, that a selection process be commenced to appoint 2 non-voting Co-opted Members (1 Parish Council representative, 1 independent) to the Committee for each Council.

Three positions have been filled leaving one vacancy for a parish representative in the Babergh District for which no applications were received.

A late application has now been received from Mrs T Kavvadias of Kettlebaston Parish Council, who formerly served as a Co-opted Member of the Joint Standards Committee.

FINANCIAL IMPLICATIONS (IF ANY):

The allowances for Co-opted Members will be fixed at a future meeting of Full Council.

ACTION AUTHORISED:

That Mrs T Kavvadias be appointed as a Co-opted Member of the Joint Standards Committee subject to ratification at the next meeting of Full Council

