

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

From: Monitoring Officer	Report Number: P55
To: Mid Suffolk District Council Babergh District Council	Date of meeting: 25 September 2014 26 September 2014

LOCALISM ACT 2011 – APPOINTMENT OF INDEPENDENT PERSONS

1. Purpose of Report

- 1.1 The Localism Act 2011 ('Act') places a duty on local authorities to promote and maintain high standards of conduct for elected and co-opted members. This includes the requirement to have a Code of Conduct with which members must comply. The Act also requires that authorities adopt arrangements for dealing with complaints about potential breaches of the Code of Conduct by Members. This must include provision for the appointment of at least one Independent Person.
- 1.2 The purpose of the Report is to appoint the Council's 'independent persons' pursuant to section 28(7) of the Act. 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 Code of Conduct.

2. Recommendation

- 2.1 That the first three 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 two years with an option to extend the appointment for a further two years.

The Council is able to resolve this matter.

3. Financial Implications

- 3.1 A pool of independent persons has been established by Suffolk County Council, Ipswich Borough Council, Babergh District Council and Mid Suffolk District Council. 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 four Councils.

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 in 2012.

6. Equality Analysis

- 6.1 In July 2012, following a joint recruitment exercise with all of the Suffolk District and Borough Councils, the Council appointed six independent persons for two years. At that time the various councils indicated some concerns about the diversity of those appointed. The positions referred to within this report have all been advertised in the East Anglian Daily Times, through each Council's website and through some targeted communication with hard to reach groups through the County Council's Equality Team.
- 6.2 All applicants were asked to complete a Job Application Monitoring Form. 17 were returned (not all questions were answered) and these were immediately separated from the application forms so that it is not possible to attribute a form to an applicant. Based on the returned forms candidates applied from diverse backgrounds.

7. Shared Service / Partnership Implications

- 7.1 Four of the Suffolk local authorities have agreed to participate in the arrangements for a pool of 'independent persons.'
- 7.2 Although the other Suffolk Councils have made their own arrangements to appoint, the intention is that joint briefings and training events will still be held for all independent persons within Suffolk.

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 breach of a Code of Conduct complaint. The recruitment process has been completed and recommendations for appointment are included within this report. The intention is that a 'pool' of independent persons will be appointed, so that each of the four authorities involved can then call on a number of different people to carry out the role, providing resilience, flexibility and timely response.
- 8.2 There were 52 expression of interest, with 19 applications received. 7 candidates were selected for interview. Following a selection and interview process, the four individuals whose profiles appear at Appendix 1 are recommended for appointment across the four councils. Mr Barrow served as independent member on the previous Joint Standards Committee and as a former co-opted member he is not eligible to undertake the role for Babergh and Mid Suffolk Councils. The Council is therefore asked to appoint the first three individuals (on page 1) only.
- 8.3 The Act requires that the appointment of the independent persons must be agreed by the Council. The appointment is recommended for a period of two years, with an option to renew for a further two years.

9. Appendices

Title	Location
Appendix 1 – Profiles for ‘independent persons.’	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:

Hazel Clark

The Council is recommended to appoint Hazel Clark as an Independent Person for this authority. Ms Clark is a Fee-paid Employment Judge at the London Central Employment Tribunal, appointed in 2004. Between 2004 and 2014, Ms Clark was also an Independent Member of Police Misconduct Panels, sitting on internal police disciplinary hearings with senior police officers. Ms Clark lives in Aldringham, near Leiston.

Carey Godfrey

The Council is recommended to appoint Mr Carey Godfrey as an Independent Person for this authority. Mr Godfrey has been an Independent Person for the last two years. He 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 Permanence (Adoption) Panel, and the Suffolk and Norfolk Local Crime: Community Sentence Co-ordinator for the National Probation Service. Mr Godfrey lives in Ipswich.

Susannah Westwood

The Council is recommended to appoint Susannah Westwood as an Independent Person for this authority. Ms Westwood has had a career in the public sector, working within the health sector, housing associations and most recently with Essex County Council as a Senior Commissioning Manager in Social Care. Ms Westwood is currently a Director with Strategic Arc Ltd, providing consultancy in the social care, housing and health sector. Ms Westwood lives in Sudbury.

The following individual previously served on the Babergh and Mid Suffolk District Council Joint Standards Committee and consequently does not qualify for appointment as an 'independent person' by either Babergh or Mid Suffolk. He may, however, be appointed by Suffolk County Council and Ipswich Borough Council:

Arnold Barrow

Mr Barrow served as Chief Probation Officer in Suffolk between 1984 and 2001, as County Manager for Victim Support Suffolk from 2001 to 2004, and was an Independent Community Member of the Mid Suffolk Standards Committee from 2008 to 2012. He is currently an Independent Member of the Parole Board for England and Wales. Mr Barrow lives in Stowmarket.