

## BABERGH DISTRICT COUNCIL

<b>TO: COUNCIL</b>	<b>REPORT NUMBER: BC/18/21</b>
<b>FROM: Monitoring Officer</b>	<b>DATE OF MEETING: 25 September 2018</b>

### LOCALISM ACT 2011 – APPOINTMENT OF INDEPENDENT PERSONS

#### 1. PURPOSE OF REPORT

- 1.1 The Localism Act 2011 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 Localism Act.

#### 2. RECOMMENDATION

- 2.1 That the three individuals included in Appendix A 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.

#### 3. KEY INFORMATION

- 3.1 The Localism Act requires Councils to appoint at least one independent person whose views should be obtained and taken into account before determining whether a breach of the code of conduct has occurred. Since 2012, Babergh District Council, Mid Suffolk District Council, Ipswich Borough Council and Suffolk County Council have jointly recruited and appointment Independent Persons. The current Independent Persons' appointments terminate in October 2018.
- 3.2 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.
- 3.3 There were eighteen applications received and nine candidates were selected for interview. Following a selection and interview process, the three individuals whose profiles appear at Appendix 1 are recommended for appointment by Babergh District Council. The other authorities in the partnership will also be appointing a fourth Independent Person who is prevented from being appointed to Babergh District Council due to a conflict of interests.

3.4 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.

#### **4. LINKS TO JOINT STRATEGIC PLAN**

4.1 Strong and effective governance underpins all of the key priorities contained within the Joint Strategic Plan.

#### **5. FINANCIAL IMPLICATIONS**

5.1 Each Independent Person receives an annual allowance of £300. The cost of the allowances is split equally between the four recruiting Councils. The Council can also pay a discretionary fee of £50 to an Independent Person dealing with a complex or lengthy complaint. The recruitment advertising costs will be shared equally among the four Councils.

#### **6. LEGAL IMPLICATIONS**

6.1 Section 28 (7) of the Localism Act 2011 requires the Council to appoint at least one Independent Person.

#### **7. RISK MANAGEMENT**

7.1 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.	1 – Highly Unlikely	3 – Bad	A pool of independent persons is appointment to ensure sufficient resources to deal with complaints and avoid any conflicts of interests

#### **8. CONSULTATIONS**

8.1 There is no requirement to formally consult on this decision.

#### **9. EQUALITY ANALYSIS**

9.1 The recruitment to these roles was lead by Suffolk County Council, using established recruitment processes which have full regard to equality and diversity policies. The posts were advertised on the Suffolk Jobs Direct website, through social media, and through some targeted communication with hard to reach groups through the County Council's Equality Team.

9.2 There is no requirement for a further equality impact assessment in relation to this report.

#### **10. ENVIRONMENTAL IMPLICATIONS**

10.1 There are no environmental implications associated with this report.

**11. APPENDICES**

Title	Location
A Profiles of Independent Persons	Attached