

## BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

<b>From: Interim Assistant Director – Law and Governance</b>	<b>Report Number: S60</b>
<b>To: BDC Council MSDC Council</b>	<b>Date of meetings: 20 September 2016 22 September 2016</b>

### EXTENSION OF THE 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.
- 1.2 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 per Council.
- 1.3 In September 2014, following a recruitment exercise, the Council appointed three Independent Persons for a period of two years with an option to extend for a further two years. This report recommends extending those appointments.

#### 2. Recommendation

- 2.1 That Council agrees to extend the appointment of the individuals listed in Appendix A, as Independent Persons for the Council for a further period of two years.

#### 3. Financial Implications

- 3.1 A pool of four independent persons has been established by Suffolk County Council, Ipswich Borough Council, Babergh District Council and Mid Suffolk District Council (although only three persons have been appointed for Babergh and Mid Suffolk). 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.

#### 4. Legal Implications

- 4.1 The Localism Act 2011 places a duty on Councils to appoint “independent persons” pursuant to section 28 (7) of the Act.

#### 5. Risk Management

- 5.1 This report is most closely linked with the Council’s Significant Business Risk No 5c. Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Failure to develop clear governance arrangements that enable the right decisions to be taken that are appropriate for the environment that we are operating in	Low	Bad	Transitional arrangements with other Suffolk Councils

## 6. Consultations

- 6.1 The arrangements set out in this report have previously been approved by Full Council in 2014.

## 7. Equality Analysis

- 7.1 The recruitment exercise undertaken in 2014 was informed by an equality impact assessment to ensure the advertising channels used and targeted communication was designed to attract candidates from diverse backgrounds.

## 8. Shared Service / Partnership Implications

- 8.1 Four of the Suffolk local authorities have agreed to participate in the arrangements for a pool of “Independent Persons”.
- 8.2 Although the other Suffolk Councils have made their own arrangements to appoint, there is in place a programme of joint briefings and training events for all Independent Persons within Suffolk.

## 9. Links to Joint Strategic Plan

- 9.1 This decision underpins the Enabling and Efficient Organisation theme : Strengthened and clear governance to enable delivery.

## 10. KEY INFORMATION

- 10.1 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.
- 10.2 The role of Independent Person is defined within the Localism Act 2011. The functions of the Independent Person(s) are -
- a. they must be consulted by the authority before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any resolution of the complaint, or on any finding of a breach and on any decision on action as a result of that finding);

- b. they may be consulted by the authority in respect of a standards complaint at any other stage; and
- c. they may be consulted by a member or co-opted member of the Council against whom a complaint has been made.

10.3 In summer 2014, Babergh District Council, Ipswich Borough Council, Mid Suffolk District Council and Suffolk County Council collaborated on the recruitment of Independent Persons. The other Suffolk councils made their own arrangements to make appointments. Three people were recommended to Council at this time – Hazel Clark; Carey Godfrey and Susannah Westwood. A short paragraph about each person is included in Appendix A.

10.4 All three have performed the role well, and the relevant Monitoring Officers are satisfied with the support that they have received. The three have all indicated that they wish to continue in the role. The independent persons are paid an annual retainer of £300 and then a £50 fee for each case considered. This Council will pay only one annual retainer for access to this pool of Independent Persons.

10.5 The Localism Act requires that the appointment of the independent person(s) must be agreed by Council. The appointment is recommended for a further period of two years.

10.6 In two years' time there will be a full recruitment exercise. The current Independent Persons will be able to reapply if they wish.

**11. Appendices**

Title	Location
A. Biographies of Recommended Independent Persons	Attached

**12. Background Documents**

12.1 Localism Act 2011 Appointment of Independent persons report to Council 25 September 2014 and 26 September 2014.

<http://bdcdocuments.onesuffolk.net/assets/Uploads/Committees/Committee-Reports/Reports-2014-15/P55.pdf>

Authorship:  
Suki Binjal  
Interim Assistant Director of Law and Governance

Tel. 01449 724679 and 01473 825750  
Email: suki.binjal@baberghmidsuffolk.gov.uk

Peter Quirk  
Interim Projects – Governance & Electoral

Tel. 01473 825727 or 01449 724656  
Email: peter.quirk@baberghmidsuffolk.gov.uk



**BIOGRAPHIES OF RECOMMENDED INDEPENDENT PERSONS**

**Hazel Clark**

Ms Clark has been an Independent Person for the last two years. 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 has recently been appointed as a Legally Qualified Chair of Police Misconduct Panels in the Eastern region. Ms Clark lives in East Suffolk.

**Carey Godfrey**

Mr Godfrey has been an Independent Person for the last four 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 was the Suffolk and Norfolk Local Crime: Community Sentence Co-ordinator for the National Probation Service. Mr Godfrey lives in Otley.

**Susannah Westwood**

Ms Westwood has been an Independent Person for the last two years. 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.