

## BABERGH DISTRICT COUNCIL

<b>TO: ANNUAL COUNCIL</b>	<b>REPORT NUMBER: BC/20/5</b>
<b>FROM: Monitoring Officer</b>	<b>DATE OF MEETING: 22 September 2020</b>
<b>OFFICER: Emily Yule</b>	<b>KEY DECISION REF NO. N/A</b>

### **EXTENSION TO THE APPOINTMENT OF THE INDEPENDENT PERSONS FOR CODE OF CONDUCT COMPLAINTS**

#### **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 extend the appointment of the Council's Independent Persons for a further two years pursuant to section 28(7) of the Localism Act.

#### **2. RECOMMENDATION**

- 2.1 That the appointment of the three Independent Persons listed in section 3 of this report be extended for a further two years pursuant to section 28(7) of the Localism Act 2011.

#### **REASON FOR DECISION**

To ensure the Council's compliance with the Localism Act 2011.

#### **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.
- 3.2 Following a recruitment exercise, the Council resolved, in September 2018, to appoint three Independent Persons for a period of two years, with an option to extend the appointment for a further two years. All of the relevant Monitoring Officers are happy with the performance of the existing Independent Persons and they have all indicated that they wish to continue in the role.
- 3.3 The details of the Current Independent Persons are as follows:

### **Arnold Barrow**

Arnold has been an Independent Person for the County Council for the last eight years. He is also an Independent Person for West Suffolk Council. Previously Arnold served as Chief Probation Officer in Suffolk between 1984 and 2001, as County Manager for Victim Support Suffolk from 2001 to 2004, and as an Independent Member of the Parole Board for England and Wales from 2003 to 2016. Arnold, who lives in Stowmarket, is also currently employed as a Support Worker for the Havebury Housing Partnership.

### **Louise Cullen**

Louise is employed as a Communications and Engagement Manager at the University of Essex. Her role includes working with Government departments, delivering research findings and evidence for various committees. Louise is the Chair of Governors at Holbrook Academy, previously being Chair of Governors at Chelmondiston Primary School. She is a Trustee for Ibstock Enover Environmental Trust, distributing landfill tax credits to areas of deprivation in the West Midlands, Bristol and Kent. Louise lives in Chelmondiston.

### **Karen Moore**

Karen is currently Director of People and Organisational Development at Ormiston Families, a regional children's and families charity, where she works three days a week. She is also a self-employed management consultant specialising in Human Resources and Governance issues. Her career has largely been within the social housing sector. Karen is a business and personal coach, has extensive experience of dealing with grievances and disciplinary procedures, and recognises the need for high standards of propriety and probity. Karen lives in Kesgrave.

- 3.4 The appointment of Independent Persons must be by Full Council resolution therefore the Council is asked to approve the two-year extension to 2022. In 2022 a full recruitment exercise will be undertaken.

## **4. LINKS TO CORPORATE PLAN**

- 4.1 Strong and effective governance underpins all the key priorities contained within the Corporate 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.

## **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 appointed 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 There are no equality impacts arising from this decision. The original recruitment exercise paid full regard to equality and diversity policies.

## **10. ENVIRONMENTAL IMPLICATIONS**

10.1 There are no environmental implications arising from this decision.

## **11. APPENDICES**

None

## **12. BACKGROUND DOCUMENTS**

None