

BABERGH DISTRICT COUNCIL

To: COUNCIL	REPORT NUMBER: BC/22/21
FROM: Monitoring Officer	DATE OF MEETING: 6 October 2022

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 individuals listed in Appendix A of this report 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. West Suffolk Council has now also joined this consortium, which undertakes a joint recruitment process with each sovereign council then appointing the Independent Persons individually. The current Independent Persons' appointments terminate in October 2022.
- 3.2 The intention is that a 'pool' of Independent Persons will be appointed, so that each of the five authorities involved can then call on a number of different people to carry out the role, providing resilience, flexibility and timely response.
- 3.3 The Localism 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.
- 3.4 The position of Independent Person was advertised from 18 July to 24 August 2022. There were twenty applications received and eight candidates were selected for interview. Following an interview process on 7 September 2022, the individuals whose profiles appear at Appendix A are recommended for appointment by Babergh District Council.

4. LINKS TO JOINT STRATEGIC PLAN

4.1 Strong and effective governance underpins all 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 five 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 five 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 led by Suffolk County Council, using established recruitment processes which have full regard to equality and diversity policies.

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