



*St Edmundsbury*  
BOROUGH COUNCIL

# D143

## Council 27 September 2012

### New Standards Regime: Independent Persons

#### 1. Summary and Reasons for Recommendation

- 1.1 As part of the new Standards framework under the Localism Act, each local authority is obliged to appoint at least one "Independent Person" (IP). Their role will be to advise whether complaints should be investigated, give support and advice, if sought, to Councillors who are complained against, and to be consulted on appropriate penalties when complaints are upheld.
- 1.2 The Suffolk authorities carried out one recruitment process and selected eight successful candidates. Each authority in Suffolk is recommended to appoint all of the candidates as its IPs, but will pay the annual allowance for only one.

#### 2. Recommendation

- 2.1 That the eight persons listed in Appendix A to this report be appointed as Independent Persons under the Localism Act 2011 for a period of one year.

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<p><b>3. Corporate Priorities</b></p> <p>3.1 The recommendation meets the following, as contained within the Corporate Plan:- Corporate Priority 3: <i>“Working together for an efficient Council”</i></p>
<p><b>4. Key Issues</b></p> <p>4.1 As part of the new Standards Regime, each local authority is obliged to appoint at least one “Independent Person” (IP). Their role will be to advise whether complaints should be investigated, give support and advice, if sought, to councillors who are complained against, and to be consulted on appropriate penalties when complaints are upheld.</p> <p>4.2 As the IPs had to be recruited following a press advertisement, the Suffolk authorities collaborated to save money by having one recruitment process which was conducted by a panel of Monitoring Officers.</p> <p>4.3 The intention is that each authority appoints all of the candidates as its IPs, but will pay the annual allowance of £300 for only one. When a matter arises that needs the input of an IP, one will be selected from the list depending on availability, expertise and his not having been previously involved in the matter. Having a ‘pool’ of IPs avoids the potential problems of conflict that could arise if each council had only one.</p> <p>4.4 Council on 13 June 2012 approved the appointment of an interim IP to serve until its meeting on 27 September 2012. In July 2012 the recruitment process was completed and the persons shown on Appendix A were the successful candidates.</p> <p>4.5 Forest Heath DC, at its Council meeting in July, appointed the IPs for one year, expressing the hope that a further recruitment process would address their concerns about the lack of gender and racial diversity in the current IPs.</p>
<p><b>5. Other Options considered</b></p> <p>5.1 It would be possible for each Council to appoint its own IPs, but as stated above, the proposal put forward allows for more flexibility and a pool of expertise to draw from, rather than relying on the availability of a single IP for each case.</p>
<p><b>6. Community Impact</b></p> <p>6.1 <b>Crime and Disorder Impact</b> <i>(including Section 17 of the Crime and Disorder Act 1998)</i></p> <p>6.1.1 Not applicable.</p> <p>6.2 <b>Diversity and Equality Impact</b> <i>(including the findings of the Equality Impact Assessment)</i></p> <p>6.2.1 As stated at 4.5 above, Forest Heath DC have expressed concern at the lack of gender and racial diversity in the list of IPs. Appointing for one year only gives the opportunity for a further recruitment process next year to encourage candidates who reflect the diversity of Suffolk.</p> <p>6.3 <b>Sustainability Impact</b> <i>(including completing a Sustainability Impact Assessment)</i></p> <p>6.3.1 Not applicable.</p>

<b>7. Consultation</b> <i>(refer to the Consultation and Community Engagement Strategy)</i>												
7.1 Not applicable.												
<b>8. Resource implications</b> <i>(including asset management implications)</i>												
8.1 As stated in 4.3 above, whilst the proposal being put forward gives much greater flexibility to the Council, the cost is the same as for appointing one IP.												
<b>9. Risk/Opportunity Assessment</b> <i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>												
<table border="1"> <thead> <tr> <th>Risk area</th> <th>Inherent level of Risk (before controls)</th> <th>Controls</th> <th>Residual Risk (after controls)</th> </tr> </thead> <tbody> <tr> <td>IP unable to attend an urgent meeting or conflicted out</td> <td>Medium</td> <td>Having a pool of 8 IPs to call on will mitigate this risk to very low.</td> <td>Low</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Risk area	Inherent level of Risk (before controls)	Controls	Residual Risk (after controls)	IP unable to attend an urgent meeting or conflicted out	Medium	Having a pool of 8 IPs to call on will mitigate this risk to very low.	Low				
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IP unable to attend an urgent meeting or conflicted out	Medium	Having a pool of 8 IPs to call on will mitigate this risk to very low.	Low									
<b>10. Legal or policy implications</b>												
10.1 The proposal in this report meets the requirement of the new Standards Regime that each local authority is obliged to appoint at least one "Independent Person" to advise whether complaints should be investigated, give support and advice, if sought, to Councillors who are complained against, and to be consulted on appropriate penalties when complaints are upheld.												

<b>Wards affected</b>	All
<b>Background Papers</b>	Localism Act 2011

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**Roger Bailey**

Mr Bailey retired as the Chief Executive of East Herts District Council in 2002 and since that time has worked at several local authorities on an interim basis, most recently at Colchester Borough Council. Mr Bailey lives in Woodbridge.

**Arnold Barrow**

Mr Barrow served as Chief Probation Officer in Suffolk between 1984 and 2001, and has been an Independent Community Member of the Mid Suffolk Standards Committee since 2008. Mr Barrow moved to Suffolk in 1978 and lives in Stowmarket.

**Andrew George**

Mr George is a member of the Audit and Healthcare Subcommittees of the Ipswich Hospital Trust, and has been an Independent Community Member of the Babergh Standards Committee. Mr George lives in Wivenhoe.

**Carey Godfrey**

Mr Godfrey 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 Performance (Adoption) Panel. Mr Godfrey lives in Ipswich (Babergh District Council).

**Phillip Key**

Mr Key has been a Magistrate since 1997 and was a member of the Suffolk Probation Board until 2010. Mr Key has been an Independent Community Member of Suffolk County Council's Standards Committee since September 2010. Mr Key resides in Lowestoft.

**Graham Moss**

Mr Moss retired from Suffolk Constabulary in January 2012 after 32 years service, and has been an Independent Community Member of Suffolk County Council's Standards Committee since September 2010. Mr Moss was born in Suffolk and resides in Woolpit.

**Andrew Peck**

Dr Peck is a semi-retired solicitor (non practising) with 25 years partner level experience. He has also been involved in a wide range of Committees at Milton Keynes Council, including as a Co-opted Independent Member of their Audit Committee and various other roles with amongst others the Open University and the Homes and Communities Agency. Born in Ipswich, Dr Peck has recently returned to the county and now lives in Felixstowe.

**Kevin Williams**

Mr Williams is the former Headteacher of Westborne High School in Ipswich and has been a Co-opted Independent Member of Suffolk Coastal District Council's Standards Committee since 2002. Mr Williams lives in Felixstowe.