

West Suffolk Joint Standards Committee

Forest Heath & St Edmundsbury councils

West Suffolk
working together

Title of Report:	Appointment of Independent Person(s)	
Report No:	JST/JT/17/001	
	West Suffolk Joint Standards Committee	13 April 2017
Lead officer:	Leah Mickleborough Monitoring Officer Tel: 01284 757162 Email: leah.mickleborough@westsuffolk.gov.uk	
Purpose of report:	The purpose of this report is to seek the endorsement of the Joint Standards Committee towards the recommended process for recruitment of a new Independent Person, or Persons, for West Suffolk.	
Recommendation:	<p>It is recommended that, the Joint Standards Committee:</p> <p>(1) Agrees the process to appoint the Independent Person, as outlined at paragraph 1.1.8 below; and</p> <p>(2) Advises of their preference for the payment of the Independent Person, as outlined in paragraph 1.1.9 below</p>	
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>	
Consultation:	<ul style="list-style-type: none"> The current Independent Persons have been informed of this report 	
Alternative option(s):	Not applicable	
Implications:		
Are there any financial implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are there any staffing implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are there any ICT implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

<i>Are there any legal and/or policy implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any equality implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Risk that the Council cannot appoint highly qualified new Independent Persons	Low	We will seek to advertise the appointment in an appropriate manner to bring attention to a wide audience	Low
Ward(s) affected:		All Wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		None	
Documents attached:		None	

1. Key issues and reasons for recommendation(s)

- 1.1 The Localism Act 2011 requires that each Local Authority appoints at least one Independent Person whose views must be sought, and taken into account before a decision is made on an allegation that a District, Parish or Town Councillor has breached the Code of Conduct. In addition, they can provide their views to the Local Authority on other Councillor Conduct matters, and provide their views to a Councillor that is subject to a complaint.
 - 1.1.1 The Localism Act role was then expanded by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, which requires that should the Local Authority undertake disciplinary or dismissal action against its statutory officers, an Independent Panel, including at least two Independent Persons, must give their views and recommendations to the Authority. The Regulations set out that the Independent Persons should be the same people as are appointed by the Authority under the Localism Act and, if we only have one Independent Person, we would be required to use an Independent Person appointed by another Local Authority for that purpose.
 - 1.1.2 In 2012, ahead of the introduction of the new Standards Regime, Local Authorities within Suffolk undertook a joint exercise to recruit Independent Persons. Through that exercise, 8 Independent Persons were appointed across Suffolk, but none resided in West Suffolk and it was felt that they did not represent West Suffolk effectively.
 - 1.1.3 With this in mind, it was agreed by the Joint Standards Committee to seek new appointments for West Suffolk. 2 candidates were successfully appointed by the Council in June 2014.
 - 1.1.4 These appointments are now due to expire, and one of the candidates, Mrs Joy Inameti, has decided to stand down from the role due to work commitments. Both Mrs Inameti, and Mr Arnold Barrow, the other Independent Person, have developed strong working relationships with the Monitoring Officer during the term of their appointment and have taken a much valued, pragmatic approach to their role.
 - 1.1.5 The Council is legally required to have an Independent Person. It is not considered feasible to resume participation in the Suffolk-wide pool at this stage as the current members of the Pool were not recruited for West Suffolk, and therefore a formal recruitment process is required.
 - 1.1.6 Officers recognise that members may wish to still seek candidates who represent the area of West Suffolk; the Independent Person serves as an arbiter on what expectations may be regarding the conduct of Councillors elected by the public. However, that has to necessarily be balanced against ensuring that the Independent Person has the skills, experience and knowledge to be able to provide sound judgement on often complex matters. It is therefore proposed that the recruitment process will encourage Independent Persons from West Suffolk, but candidates who have the suitable experience will be considered from outside of the Borough / District boundaries.

1.1.7 The Localism Act requires that any Independent Person must not be, or have been within the past 5 years a member, co-opted member or officer of the Council or any of the Parish or Town Councils in the Councils' area; nor should they be a relative or close friend of a member, co-opted member or officer in the Councils' area. The Council must advertise the vacancy in such a manner as the authority considers is likely to bring it to the attention of the public, and the applicant must have completed an application form for the role.

1.1.8 Officers are recommending the following process for recruiting to an Independent Person:

Advertisement of role and application	24 April – 8 May	The role would be advertised online, via advert and press release. Application would be via cv and submission of an application form (this would be tailored to the role)
Shortlisting	w/c 8 May	An initial sifting to rule out clearly ineligible candidates would be conducted by the Monitoring Officer. The Monitoring Officer would then send recommendations to the Chair and Vice-Chair for consideration. The shortlisting would be time-pressured, to ensure candidates were notified in advance of interviews, and therefore it will not be feasible to have a wider committee consultation at that stage
Interviews	w/c 15 May	Interviews would be informal in nature and primarily be a discussion between the Monitoring Officer, Chairman and candidates
Standards Committee meet to recommend appointment to Full Council	w/c 29 May	If a meeting of the Committee is not feasible to convene before Council, recommendations could be circulated by e-mail and on the proviso no fundamental objections are received, the appointments are recommended to Council.
Councils make appointments	13 and 14 June	

1.1.9 As identified above, Mr Arnold Barrow continues to serve in post, having been first appointed as an independent person from July 2012 as part of the Suffolk Pool, and then being re-appointed as part of the West Suffolk recruitment exercise in July 2014. Mr Barrow would require re-appointment by Council in June to continue as an Independent Person. The legislation does not place any time-restrictions on individuals serving in the role.

- 1.1.10 When making a recommendation to Council, members of the Committee may wish to put time limits on the appointment term.
- 1.1.11 In addition to the recruitment process, the Committee will also need to consider the payment of Independent Persons. At present, each Independent Person is paid an annual retainer of £300 (each Council funding one payment), and then £50 per case considered (each Council paying the share related to their own, and their Parish / Town Council complaints). This inevitably leads to a certain degree of arbitrary distribution by the Monitoring Officer, in that some complaints require lengthy consideration whilst others are much more straightforward in their nature. It is therefore suggested that either the present payment situation continues, or the Council pays a set annual rate (proposed at £25 per hour) for their work.