

Appointment of Independent Persons

Report number:	COU/WS/22/019	
Report to and date:	Council	27 September 2022
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Decisions Plan: Not applicable as this is not an executive matter

Wards impacted: All wards

Recommendation: It is recommended that West Suffolk Council joins the consortium of authorities and the individuals listed in Appendix A to Report number: COU/WS/22/019, 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.

1. Context to this report

- 1.1 The Localism Act 2011 (the Act) 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 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 the Council has appointed two Independent Persons whereas Babergh District Council, Mid Suffolk District Council, Ipswich Borough Council and Suffolk County Council have formed a consortium and jointly recruited and appointed a pool of Independent Persons.
- 1.3 The intention in having a pool of Independent Persons is so that each of the four authorities involved could then call on a number of different people to carry out the role, providing resilience, flexibility and a timely response. Further, there has been less scope for any conflict of interest and the individuals have been able to maintain their independence should there be repeated complaints involving the same subject.

2. Proposals within this report

- 2.1 The arrangement with the current Independent Persons appointed by the Council ends at the end of September 2022. Although the work of the Independent Persons has been exemplary they have both decided they no longer wish to continue to undertake the role. The current pool of Independent Persons for the consortium of four authorities is also ending so it would be an appropriate time for this council to join the consortium and have a pool of Independent Persons from which to select to consider a complaint.
- 2.2 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.
- 2.2 The position of Independent Person was advertised from the 18 July to 24 August 2022. Twenty applications were received and eight 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 the Council.

3. Alternative options that have been considered

- 3.1 Consideration has been given to the Council retaining its own Independent Persons but there is a higher risk of them losing their independency (as has been an accusation in the past) or there being a conflict of interest. In addition, all costs associated with the recruitment and training of the Independent Persons will be shared between the five authorities.

4. Risks associated with the proposals

- 4.1 If complaints cannot be processed the Council would be in breach of the Localism Act 2011. Access to a pool of Independent Persons ensures sufficient resources to deal with complaints and avoids any conflicts of interest.

5. Implications arising from the proposals

- 5.1 Financial:
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 and the costs of training will be shared equally among the five Councils.
- 5.2 Legal Compliance:
Section 28(7) of the Localism Act requires the Council to appoint at least one Independent Person.
- 5.3 Personal Data Processing:
The Independent Persons have given consent for their information at Appendix A to be shared.
- 5.4 Equalities:
The recruitment to these roles was led by Suffolk County Council using established recruitment processes which have full regard to equality and diversity policies.

6. Appendices referenced in this report

- 6.1 Appendix A: Profiles of the Independent Persons