

***The Chairman of the Overview and Scrutiny Committee and the Mayor has agreed that this can be considered as a matter of urgency, in accordance with S100B(4) of the Local Government Act 1972, in order that this matter can be resolved within the necessary timescale.***

# Council



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Appointment of Independent Person</b>	
<b>Report No:</b>	<b>COU/SE/15/026</b> [to be completed by Democratic Services]	
<b>Report to and date:</b>	<b>Council</b>	7 July 2015
<b>Portfolio holder:</b>	Ian Houlder Portfolio Holder for Resources and Performance <b>Tel:</b> 07597 961069 <b>Email:</b> ian.houlder@stedsbc.gov.uk	
<b>Lead officer:</b>	Joy Bowes Service Manager (Legal) <b>Tel:</b> 01284 757141 <b>Email:</b> joy.bowes@westsuffolk.gov.uk	
<b>Purpose of report:</b>	To appoint an Independent Person in accordance with the provisions of the Localism Act 2011.	
<b>Recommendation:</b>	<b>It is <u>RECOMMENDED</u> that with immediate effect, Arnold Barrow be reappointed as an Independent Person under the provisions of s28(7) Localism Act 2011 for a period of one year expiring on 30 June 2016, as detailed in Section 1 of Report No: COU/SE/15 /026.</b>	
<b>Key Decision:</b> <i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>Portfolio Holder and Vice-Chairman of Joint Standards Committee</li> </ul>	
<b>Alternative option(s):</b>	<ul style="list-style-type: none"> <li>Not reappoint Mr Barrow;</li> <li>Reappoint for a shorter period; and</li> <li>Begin recruitment of a second Independent Person (IP) immediately or within a short time.</li> </ul>	

<b>Implications:</b> Any option which delays the appointment of a second IP leaves the Council in difficulties if the remaining IP is unable to act in any matter because of unavailability or a conflict of interest.			
Are there any <b>financial</b> implications? <i>If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>If reappointed, the Independent Person will be entitled to an allowance of £300 per annum plus £50 per investigation. As the IPs work across West Suffolk, each Council bears the cost of one only.</li> </ul>	
Are there any <b>staffing</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> <li></li> </ul>	
Are there any <b>ICT</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> <li></li> </ul>	
Are there any <b>legal and/or policy</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> <li></li> </ul>	
Are there any <b>equality</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> <li></li> </ul>	
<b>Risk/opportunity assessment:</b>		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
Having only one IP leaves the authority at risk of having no-one to act because of unavailability or conflict of interest.	High	Appoint a second IP.	Low
<b>Ward(s) affected:</b>		N/A	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		Localism Act 2011	
<b>Documents attached:</b>		None	

## **1. Key issues and reasons for recommendation**

### **1.1 Background**

- 1.1.1 In June 2014 the Council appointed Ms Joy Inameti and Mr Arnold Barrow as its Independent Persons under the provisions of the Localism Act. Their role is to advise the Monitoring Officer and West Suffolk Joint Standards Committee on complaints that councillors have failed to comply with the Code of Conduct. They have also now been given a role in the appointment and dismissal of statutory officers (see Report No:COU/SE/15/024 on this agenda).
- 1.1.2 The circumstances of the appointment were unusual in that a recruitment exercise had been carried out and the Joint Standards Committee were recommending appointment of Ms Inameti and a second candidate who sadly passed away before his appointment. Mr Barrow had also applied and was considered well-qualified as he had served previously as an IP, but the Joint Committee had preferred to allocate the positions to two entirely new candidates. However, he was happy to fill the vacancy and was appointed for one year, with Ms Inameti being appointed for two.
- 1.1.3 The expiry of Mr Barrow's term of office on 1 July 2015 was unfortunately overlooked and no recruitment exercise has been carried out. This leaves West Suffolk with only one IP which is likely to give rise to difficulties if Ms Inameti is unavailable or has a conflict of interest because (for example) of a connection with the complainant or the complained-about councillor. It has also been our practice that if an IP recommends that a complaint be investigated, the other IP should look at the resulting report and make a recommendation about further action.
- 1.1.4 Mr Barrow is willing to serve as IP for a further year, which will enable West Suffolk to carry out one recruitment exercise for both posts in April/May 2016 with a view to recommendations from the Joint Standards Committee going to the summer Council meetings.