



COUNCIL

Wednesday, 22 May 2019

APPOINTMENT OF INDEPENDENT PERSONS

EXECUTIVE SUMMARY

1. The Council is required to appoint at least one Independent Person to deal with complaints made under the Suffolk Code of Conduct. Dr Peck was appointed as an Independent Person in 2012 following a recruitment process, together with a Mr Keys. They were appointed for two yearly terms. Mr Keys retired in 2016 and Mr Urey was appointed to replace him following a recruitment process.
2. Both Dr Peck and Mr Urey's terms of office were extended from July 2018 until Suffolk Coastal District Council (SCDC) and Waveney District Council (WDC) ceased to exist on 1.4.19. Dr Peck and Mr Urey were each then appointed as Independent Persons for the East Suffolk Shadow Authority in June 2018 (Paper REP1 (SH) refers).
3. It is proposed that Dr Peck and Mr Urey's appointments be continued, and that they be the Independent Persons for East Suffolk Council, to deal with complaints made under the Suffolk Code of Conduct, for a 2 year period, until the end of May 2021.

Is the report Open or Exempt?	Open
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Wards Affected:	All Wards in the District
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Cabinet Member:	Leader of the Council
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Supporting Officer:	Hilary Slater Monitoring Officer 01394 444336 hilary.slater@eastsuffolk.gov.uk
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1 INTRODUCTION

- 1.1 The revised provisions with regard to the regulation of standards of conduct for elected and co-opted Councillors, under the Localism Act 2011 ('the Act') came into effect on 1 July 2012.
- 1.2 The Suffolk Code of Conduct came into force on 1 July 2012 and it had been previously adopted by the former Suffolk Coastal District Council and Waveney District Council (the Councils), during May 2012.
- 1.3 The Council's previous Standards Committees ceased to exist from 1 July 2012, therefore all of the Standards Committees residual relevant functions and the Council's new responsibilities under sections 26 to 37 of the Localism Act 2011 were transferred to the Audit & Governance Committees. "Arrangements" for dealing with complaints made under the Suffolk Code of Conduct were put in place and are described in more detail below.

2 INDEPENDENT PERSONS

- 2.1 The "arrangements" adopted by the Councils for dealing with complaints under the Suffolk Code must include provision for the appointment by Council of at least one Independent Person.
- 2.2 The Independent Person must be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all members of the Council (not just of those present and voting). There are statutory criteria in the Act which set out those who cannot be considered to be "independent". For example, those who have been an elected or co-opted member or an officer of the District Council or of any of the Parish / Town Councils within this Council's area, within the last five years, cannot be classed as "independent".

3 ROLE OF THE INDEPENDENT PERSON

- 3.1 The functions of the Independent Person(s) are:-
 - (i) They must be consulted by the authority before it makes a finding as to whether a Member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Member; this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding;
 - (ii) They may be consulted by the authority in respect of a standards complaint at any other stage; and
 - (iii) They may be consulted by a member or co-opted member of the District Council or of a Parish / Town Council against whom a complaint has been made.
- 3.2 When the Act was first introduced, it was agreed that the remuneration for Independent Persons should be an annual allowance of £300, and a fee of £50 for each investigation report that an Independent Person considered.
- 3.3 In 2012, following advertisements and a full recruitment process, Dr Peck was appointed as an Independent Person for both Suffolk Coastal District Council (SCDC) and Waveney District Council(WDC), along with Mr Keys. Mr Keys retired in 2016 and Dr Peck's appointment was extended until July 2018. In 2016, a full recruitment process was undertaken and Mr Urey was duly appointed, also until July 2018. Training was provided to Mr Urey, and he has proved to be a very conscientious, able, and wise Independent Person, as is Dr Peck.

- 3.4 In July 2018, the terms of office of both Dr Peck and Mr Urey were extended until SCDC and WDC ceased to exist, on 1.4.19. Mr Urey and Dr Peck were then appointed as the Independent Persons for the Shadow Authority for the East Suffolk Council (Report REP1 (SH) to the Shadow Authority meeting held on 4 June and relevant minute refer). The Shadow Authority was in existence for the Shadow Period, which ran until the fourth day after the local government elections on 2 May 2019, that is, until 6 May 2019.
- 3.5 Therefore, the purpose of this report is to recommend that the Council reappoints both Mr Urey and Dr Peck to be its Independent Persons, for a further 2 year period, until the end of May 2021.

4 HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?

- 4.1 The East Suffolk Business Plan (ESBP) contains a “Vision” for the future of the district, which is to maintain and sustainably improve the quality of life for everyone growing up in, and living in the district. In order to deliver this Vision, a three-pronged strategy has been adopted around “Enabling Communities”, promoting “Economic Growth” and becoming “Financially Self-Sufficient”.
- 4.2 The ESBP underpins the Council’s activities and its decision-making. The Code regulates how members of this Council behave and how they go about the exercise of the Council’s business. The Code ensures that members of other Councils in the district also behave properly and it helps promote and maintain high standards of conduct across the district and parish tiers of local government. The Council must maintain arrangements whereby complaints that the Code has been breached can be made. The Council must appoint at least one Independent Person and they play an integral role in the arrangements for dealing with complaints.
- 4.3 The appointment of the Independent Persons, Dr Peck and Mr Urey, will ensure that the Council, and its Councillors, comply with the requirements of the Act, and helps to promote and maintain high standards of conduct.

5 FINANCIAL AND GOVERNANCE IMPLICATIONS

- 5.1 Under the Act, the Council must appoint at least one Independent Person. The Council has appointed two Independent Persons, who provide resilience and enable the effective management of complaints, across East Suffolk. It is considered appropriate that Dr Peck and Mr Urey continue in this role for a further 2 years, until the end of May 2021.
- 5.2 The annual allowance of £300 to the Independent Persons and a fee of £50 for each investigation report that the Independent Person considers on behalf of the Council can be met from existing budgets.

6 OTHER KEY ISSUES

- 6.1 None.

7 CONSULTATION

- 7.1 None.

8 OTHER OPTIONS CONSIDERED

- 8.1 Not to extend the terms of office of Mr Urey and Dr Peck at this time and to go out to recruitment. This has been rejected. The Council has two experienced and able Independent Persons who are willing to take on this role for a further 2 year period. There would be additional costs in carrying out a recruitment process, for advertising and

in Officer time. Dr Peck and Mr Urey were both appointed following a full recruitment process and there would appear to be no need to repeat that, given the costs and the suitability of both Independent Persons to their roles.

9 REASON FOR RECOMMENDATION

- 9.1 To comply with the requirements of the Act, which took effect from 1 July 2012, and to have Independent Persons to whom the Monitoring Office may refer complaints.

RECOMMENDATIONS

1. That the terms of office of Dr Peck and Mr Urey be extended for a further 2 years, until the end of May 2021.
2. That the Council pays an annual allowance of £300 to the Independent Persons, and agrees to pay a fee of £50 for each investigation report that the Independent Person considers on behalf of the Council

APPENDICES – There are none

BACKGROUND PAPERS – There are none