



FULL COUNCIL

Wednesday, 24 May 2023

Subject	Appointment of Independent Persons
Report by	Leader of the Council
Supporting Officer	Chris Bing Head of Legal and Democratic Services and Monitoring Officer chris.bing@eastsuffolk.gov.uk

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable.
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

For East Suffolk Council to appoint Independent Persons for the next four years to be consulted on Code of Conduct complaints pursuant to the Localism Act 2011

Options:

1. To appoint Dr Andrew Peck and Mr Michael Urey as East Suffolk Council's Independent Persons
2. To not appoint Dr Andrew Peck and Mr Michael Urey as East Suffolk Council's Independent Persons.

Recommendations:

1. That the council appoints Dr Andrew Peck and Mr Michael Urey as East Suffolk Council's Independent Persons for a four-year term until East Suffolk Council's Annual Meeting in May 2027.
2. That the Council pays an annual allowance of £300 to each Independent Person, and agrees to pay a fee of £50 for each investigation report that the Independent Person considers on behalf of the Council.

Corporate Impact Assessment

Governance:

Good governance is supported by promoting high standards, adopting a Code of Conduct and having arrangements in place for considering and determining Code of Conduct complaints which include consulting an Independent Person.

ESC policies and strategies that directly apply to the proposal:

Annual Governance Statement

Environmental:

None

Equalities and Diversity:

None

Financial:

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.

Human Resources:

None

ICT:

None

Legal:

Under Section 28(7) of the Localism Act 2011, the Council must appoint at least one Independent Person.

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”.

Risk:

Loss of public confidence due to failure to adhere to member and officer code of conduct and promote and maintain ethical standards is a corporate risk. An Independent Person plays an integral role in the arrangements for dealing with Code of Conduct complaints and upholding high standards.

External Consultees:

Dr Peck and Mr Urey are willing and able to be reappointed as Independent Persons for East Suffolk Council.

Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>

T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>
How does this proposal support the priorities selected?			
The appointment of an Independent Person is a statutory requirement and an important role in the Council's arrangements for upholding high standards in public office.			

Background and Justification for Recommendation

1 Background facts	
1.1	The revised provisions regarding the regulation of standards of conduct for elected under the Localism Act 2011 ('the Act') came into effect on 1 July 2012.
1.2	East Suffolk Council's Full Council adopted the Local Government Association's Model Code of Conduct on 23 March 2022.
1.3	East Suffolk Council is required under the Act 2011, and the local arrangements for dealing with Code of Conduct complaints made under that Act, to appoint at least one Independent Person to be consulted by the Monitoring Officer on Code of Conduct complaints brought against district and parish councillors in East Suffolk. The Council has appointed two Independent Persons, to provide resilience and enable the effective management of complaints, across East Suffolk.
1.4	<p>The functions of the Independent Person(s) are:-</p> <ul style="list-style-type: none"> (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.

1.5	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.
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2 Current position	
2.1	Dr Andrew Peck and Mr Michael Urey were appointed as East Suffolk Council's Independent Persons at Annual Council in May 2019. Their term of office has expired.
2.2	Dr Peck and Mr Urey were also Independent Persons to East Suffolk Council's predecessor Councils, Suffolk Coastal District Council and Waveney District Council. Following advertisements and a full recruitment process, Dr Peck was appointed an Independent Person in 2012, and Mr Urey in 2017.
2.3	An Independent Person is consulted on all Code of Conduct complaints made against any councillor in the 178 town and parish councils in East Suffolk, as well as any district councillor. In the last Municipal Year, the Monitoring Officer consulted Dr Peck and Mr Urey on 41 Code of Conduct complaints against town, parish and district councillors in East Suffolk.

3 How to address current situation	
3.1	It is recommended that Dr Peck and Mr Urey be reappointed as the Council's Independent Person for four years, until the Annual Meeting in May 2027.

4 Reason/s for recommendation	
4.1	There is a statutory requirement for the Council to appoint an Independent Person to be consulted on Code of Conduct complaints by the Monitoring Officer.
4.2	Dr Peck and Mr Urey are trained and experienced Independent Persons.
4.3	The appointment of Dr Peck and Mr Urey, as Independent Persons, 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.

Appendices

Appendices:
None.

Background reference papers:
None.