

# Broads Authority

10 May 2024

Agenda item number 15

## Appointment of Independent Persons

Report by Senior Governance Officer

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### Purpose

To inform Members of progress with recruiting the Authority's Independent Person(s) as required under the Localism Act 2011.

### Recommended decision

To note that officers will continue pursuing alternative ways of recruitment and the outcome will be presented to the next meeting on 26 July.

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## 1. Introduction

- 1.1. The [Localism Act 2011](#) (the Act) requires all local authorities, including the Broads Authority and National Parks, to have arrangements in place for dealing with complaints of breaches of the Member Code of Conduct. The Authority's [arrangements for dealing with complaints](#) were updated and last adopted in September 2023. These arrangements must include provision for the appointment of at least one Independent Person<sup>i</sup>:
  - a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and
  - b) whose views may be sought—
    - (i) by the authority in relation to an allegation in circumstances not within paragraph (a),
    - (ii) by a member, or co-opted member, of the authority if that person's behaviour is the subject of an allegation, and
- 1.2. In [January 2021](#), the Authority re-appointed Christine Lee (appointed in 2016) and appointed Amanda Orchard as an Independent Person until the Annual Meeting in 2024. Neither has confirmed that they wish to continue in the role.

## 2. Recruitment of Independent Person

- 2.1. In respect of the recruitment process, the Act states that an Independent Person must be not appointed unless the role is advertised "in such manner as the authority

considers is likely to bring it to the attention of the public” and the appointment is approved by a majority of the members of the Authority<sup>ii</sup>. It also requires applicants to submit an application.

- 2.2. The Authority has delegated the recruitment of the Independent Person to the newly established Standards Committee.
- 2.3. At its meeting on 7 March, the Committee approved the recruitment paperwork, including a role description, and timetable and appointed Stephen Bolt, Tim Jickells and Kevin Maguire to the interview panel.
- 2.4. The vacancy was advertised through the EDP via Jobs24, our website, social media channels and circulated to parish clerks within the Authority’s area. The closing date was Thursday 28 March and interviews scheduled for 9 April.
- 2.5. Despite two enquiries about the position, no applications were received.
- 2.6. Officers then discussed the options available and, as part of this, were made aware that a local authority appointed IP might be interested in working with the Broads Authority.
- 2.7. Contact has been made with two neighbouring local authorities and, at the time of writing this report, their response is awaited.

### 3. Financial implications

- 3.1. The role has an allowance of £20 per hour plus travel and subsistence. This is not a retainer but is paid on an “as required” basis.

### 4. Risk implications

- 4.1. The term of office for the current IPs ends with the date of the annual meeting on 26 July 2024.
- 4.2. The Authority has a legal duty to appoint an Independent Person and would be unable to carry out its statutory duties relating to the Code of Conduct without appointing at least one IP. Any subject member who is subject to a Code of Conduct complaint or investigation has a statutory right to consult with the IP. If that is not possible, because there is no IP, the Authority is at risk of challenge.

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Date of report: 26 April 2024

[Broads Plan](#) strategic objectives: n/a

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<sup>i</sup> Section 28(7) Localism Act 2011

<sup>ii</sup> Section 28(8)(c) Localism Act 2011