

Non-Executive Report of the: Council 17 January 2018	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance & Monitoring Officer	Classification: Unrestricted
Localism Act 2011 - Appointment of Second Independent Person	

Originating Officer(s)	Mark Norman, Legal Adviser & Deputy Monitoring Officer
Wards affected	All Wards

Summary

This report recommends the appointment of a second Independent Person under the provisions of the Localism act 2011 to undertake duties in connection with the consideration of any complaints of alleged breach of the Code of Conduct for Members by the Mayor, a Member or Co-opted Member of the Council. The report also recommends changes to the remuneration payable for any individual appointed as Independent Person.

Recommendations:

The Council is recommended to:

1. Agree the appointment of Rachael Tiffin as a second Independent Person for a period of 4 years effective from the date of the Council meeting and concluding on 16 January 2022.
2. Agree an annual allowance of £1,000 for any person appointed by the Council to the role of Independent Person to replace the existing separate allowances payable for attendance at meetings and training events and consultation on complaints as detailed in paragraph 3.2 and 3.3 below.

1. REASONS FOR THE DECISIONS

- 1.1 The Localism Act 2011 requires the Council to adopt a Code of Conduct for Members and put in place arrangements for dealing with any allegation that a Member or Co-opted Member has breached the Code. In accordance with the Localism Act 2011, the arrangements adopted by the Council must include the appointment of at least one Independent Person (IP) whose views must be sought and taken into account by the authority before it makes a decision on any alleged breach of the Code which has been referred for investigation.

2. ALTERNATIVE OPTIONS

- 2.1 The Council already has an appointed IP, Elizabeth Hall and could therefore decide not to agree the appointment of a second IP. This is not recommended as a second IP is required to assist in dealing with complaints in circumstances where Ms Hall is unable to act (for example where there is a potential conflict of interest) and/or where the Member complained about wishes to seek the view of the IP.

3. DETAILS OF REPORT

- 3.1 The IP 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. They may be consulted by the authority in respect of a standards complaint at any other stage and the Council's arrangements for dealing with alleged breach of the Code require that the IP is consulted before deciding whether a complaint should be referred for investigation. The IP may also be consulted by a Member or Co-opted Member of the Council against whom a complaint has been made.
- 3.2 The IP is invited to attend meetings of the Standards (Advisory) Committee, but is not a co-opted member of the Advisory Committee. The remuneration for the IP was determined by Council on 26 June 2013 and is currently set at £117 for each complaint on which they are consulted and for each attendance at a committee meeting or training event that they are required to attend in connection with the role. This rate was based on the attendance allowance payable for Co-opted Members of the Council in 2013.
- 3.3 Council is recommended to replace these existing separate allowance payments with a single annual allowance of £1,000. Benchmarking information indicates that some London boroughs retain separate allowance payments whereas others have moved to one off allowance payments as the role of the IP has developed since its introduction by the Localism Act 2011. Examples of the current remuneration arrangements in other London Boroughs are detailed below:

Enfield LBC – Annual allowance £1,250

Greenwich LBC – Annual allowance £1,536

Hackney LBC – Annual allowance £455.90p

Haringey LBC – Annual allowance £500 + subsistence

Islington LBC - £117 per meeting
Lewisham LBC – Annual allowance £1,000
Southwark LBC – Annual allowance £1,100
Waltham Forest LBC – Annual allowance £946

- 3.4 Council agreed to recruit for a reserve or second IP in July 2016. The role was advertised in September 2016 together with vacancies for Co-opted Independent Members of the Standards (Advisory) Committee. In the event no application were received for the IP role. As reported to the Standards (Advisory) Committee on 19 October 2017, a further stand alone advert was placed for the second IP role in the local press on 19 October 2017 and using the Council's facebook page and twitter feed.
- 3.5 There were two applications which were considered by the Independent Chair of the Standards (Advisory) Committee, the Corporate Director Governance and a Deputy Monitoring Officer. Only one applicant, Rachael Tiffin, was assessed as suitable for interview and she was interviewed by the Chair of the Advisory Committee, the Corporate Director and a Deputy Monitoring Officer on 14 December 2017.
- 3.6 Ms Tiffin is currently employed as the Head of Counter Fraud at CIPFA. She has worked in local government (not within the previous 5 years) as Head of Internal Audit at two local authorities. Ms Tiffin has also worked in central government at a senior level dealing with audit, fraud and risk management issues in the Home Office and the Ministry of Defence. During interview Ms Tiffin demonstrated a clear understanding of the probity issues relating to both Member and officer conduct and the interview panel was unanimous that she should be recommended to Council for appointment as a second IP.
- 3.7 The period of appointment for the IP is not prescribed by legislation and it is therefore recommended that Ms Tiffin should be appointed for a period of 4 years which is the same period of appointment used for Co-opted Independent Members of the Standards (Advisory) Committee.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 The remuneration associated with this position will be funded through existing budgets within Democratic Services.

5. LEGAL COMMENTS

- 5.1 The Localism Act 2011 introduced new arrangements to regulate standards of conduct by local authority Members and Co-optees. A key element of the arrangements is the appointment of at least one Independent Person.
- 5.1 The Act provides that the IP must be appointed through a process of public advertisement and the appointment. There must be by a positive vote of a majority of all members of the Council (not just of those present and voting). The Act sets out specific statutory prohibitions on who can be an IP and excludes current and previous (within a 5 year period) officers, Members and

Co-opted Members of the authority. The relatives and close friends of a current officer, Member or Co-opted Member of the authority are also excluded from carrying out the IP role.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 There are no specific implications for One Tower hamlets arising from this report.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 There are no specific best value implications arising from this report.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 There are no sustainable action for a greener environment implications arising from this report.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 There is a statutory requirement to appoint at least one IP. The appointment of a second IP will ensure the efficient operation of the Council's arrangements for dealing with alleged breach of the Code and that the Council is able to comply with statutory requirements in cases where one IP is unable to act or has a potential conflict of interests.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 There are no specific crime and disorder reduction implications arising from this report.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- None

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None

Officer contact details for documents:

- N/A