

SUBJECT:	Review of the Protocol on the Role of the Independent Person
REPORT OF:	Monitoring Officer
RESPONSIBLE OFFICER	Joanna Swift
REPORT AUTHOR	Joanna Swift
WARD/S AFFECTED	None

1. Purpose of Report

To consider proposed amendments to the protocol on the role of the independent person to ensure it remains up to date and fit for purpose.

RECOMMENDATION

That the updated Protocol attached at Appendix 1 be approved.

2. Reasons for Recommendations

It is good practise to review protocols and procedures on a regular basis to ensure they remain up to date and effective.

3. Content of Report

- 3.1 The Committee will be aware that under the Localism Act the Council must appoint at least one Independent Person (IP) whose view must be taken into account before a Hearings Sub-Committee makes a decision following the investigation of a complaint about a member. The Council has agreed to appoint 2 IPs and in October 2017 Mrs Caroline Langley and Mrs Elizabeth Jones were appointed for a 5 year term. The Localism Act also provides that a member who is the subject of a code of conduct complaint may seek the views of the IP on the complaint against them.
- 3.2 The Council's complaints procedure (appended to an earlier report on the agenda) provides for the monitoring officer to consult an IP (as well as the Chairman of this committee) at Stage 2 before deciding whether a complaint should be referred for investigation. The monitoring officer is also required to consult the IP when deciding whether a member has a sensitive interest under section 32 of the Localism Act (one which if disclosed would lead to the member or their family being subject to violence or intimidation) and when deciding whether to grant a dispensation under section 33 of the Act (again in consultation with the Chairman of this committee).
- 3.4 To ensure that IPs, members and officers understand the role and are clear about how it will be discharged, the adoption of a protocol is considered to be useful best practice. The protocol attached at Appendix 1 was originally adopted in September 2013. It was subsequently updated to include the new role of IPs as members of the Panel which must

be set up under mandatory standing orders, to consider the dismissal of any of the Council's statutory officers.

- 3.8 The Committee is invited to consider whether the protocol remains fit for purpose and to consider the proposed amendments shown in track changes at Appendix 1. These seek to further clarify the role including when the Independent Person's view will be sought and the process when a subject member wishes to exercise their right to seek the views of an Independent Person. Members will note that the proposal is for a different IP to take on this role, to avoid conflicts of confidentiality. It also removes the requirement for IPs to complete a register of interests as they are no longer co-opted members of the Council. IPs must still, however, disclose any potential conflicts of interest in matters they are consulted on.

4. Consultation

There is no statutory requirement to consult on changes to this protocol.

5. Options

The Committee has the option of proposing other changes to the protocol if considered appropriate.

6. Corporate Implications

Financial - None

Legal – As set out in the report

Risks issues – None

Equalities - None

7. Links to Council Policy Objectives

Whilst there is no direct link to the Council's main objectives the adoption and regular review of a protocol on the role of the independent person supports the Council's statutory arrangements for dealing with complaints and corporate governance in general.

8. Next Steps

An updated Protocol will be published on the Council's website.

Background Papers:	None except those referred to in the report
---------------------------	---