



AGENDA ITEM: 7

**STANDARDS COMMITTEE
29 March 2016**

Report of: Borough Solicitor

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SUBJECT: INDEPENDENT PERSON – PROTOCOL

Wards affected: Borough wide.

1.0 PURPOSE OF THE REPORT

1.1 To review the Independent Person Protocol.

2.0 RECOMMENDATIONS

2.1 That the Independent Person Protocol attached at Appendix 1 and the Indemnity, at Appendix 2, be endorsed.

3.0 BACKGROUND AND CURRENT POSITION

3.1 The statutory role of the Independent Person appointed under Section 28(7) of the Localism Act 2011 is to assist the Council to discharge its duty to promote and maintain high standards of conduct amongst Members and Co-opted Members both of the Borough Council and those Parish Councils within the Borough.

3.2 The Independent Protocol (Constitution 16.5), has been adopted to clarify how the Independent Person will fulfil this role.

3.3 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the Regulations) have required the Council to provide revised arrangements for disciplinary action in respect of its statutory officers, i.e. the Head of the Paid Service, the Chief Financial Officer and the Monitoring Officer. Arrangements were agreed at Council on 22 July 2015. The report to Council and its decision (Minute 23) are attached at Appendix 1..

3.4 The Regulations provide an additional role for Independent Persons. In the case of any proposed disciplinary action contemplating dismissal of one of the Statutory Officers, the Council is required to form an independent panel (the

Panel) and in doing so to invite Independent Persons who have been appointed under the Members' Code of Conduct regime. The Council currently has 2 Independent Persons so appointed. The Panel will be formed if 2 or more Independent Persons accept the invitation, and the Council should issue invitations in the following priority order:

- An Independent Person who has been appointed by the Council and who is a local government elector;
- Any other Independent Person who has been appointed by the Council; and
- An Independent Person who has been appointed by another council or councils.

The Regulations require an authority to appoint a Panel at least 20 working days before the Council meeting which will consider the relevant disciplinary matter.

- 3.5 In the event that an Independent Person declines the request to be involved then the Council will seek to rely on reciprocal arrangements with nearby local authorities.
- 3.6 In order to allow the Council to rely on such arrangements it is sensible to ensure that suitable indemnities are in place to cover any liability that may arise for the person fulfilling the Independent Person role. This is achieved through making amendments to the existing Indemnity as set down at Appendix 2
- 3.6 The Independent Person Protocol, attached at Appendix 3, has been updated to reflect the Regulations and the indemnity arrangements.

4.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 4.1 There are no significant sustainability impacts associated with the report. Promoting and maintaining high ethical Standards contributes to achievement of the Community Strategy.

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 5.1 The Independent Person and the Reserve Independent Person receive a small allowance in line with recommendations made by the Council's Independent Remuneration Panel. Any additional payment, up to the level of the standards remuneration would be paid for any relevant disciplinary action in which they agreed to take a role. This would be met from within existing budgets.
- 5.2 Should a claim be made that is covered by the Indemnity Arrangements then details of the financial implications will be reported back to the Members of the Committee.

6.0 RISK ASSESSMENT

6.1 There are no risks to the Council's business objectives associated with the Protocol.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

Appendix 1 Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 – Independent Panel – Statutory Officers – Report / Decision of Council 22 July 2015

Appendix 2 Indemnity (Constitution 17.3), as revised.

Appendix 3 Independent Person Protocol (Constitution 16.5, Article 5), as revised