



**STANDARDS COMMITTEE:
5 March 2024**

Report of: Head of Legal and Democratic Services

**Contact for further information: Kay Lovelady (Extn. 5075)
(E-mail:Kay.lovelady@westlancs.gov.uk)**

SUBJECT: REVIEW OF THE 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, be approved.

3.0 INDEPENDENT PERSONS

3.1 The system of regulation of standards of member conduct in England is governed by the Localism Act 2011.

3.2 All local authorities (other than parish and town councils) must have procedures in place to deal with complaints about member conduct. It is for the authority to decide the details of those procedures, but legally they must appoint at least one Independent Person whose views are to be taken into account before making a decision on a complaint that the authority have decided to investigate.

3.3 The Independent Person Protocol (Appendix 1) was adopted to clarify how this role is to be fulfilled. As part of its national review of local government standards, the Committee on Standards in Public Life reported that in their view the Independent Person should be seen primarily as an impartial advisor to the Council on code of conduct matters and that they should provide a view on code of conduct allegations based on the evidence before them, and whilst being aware of the political context, should be politically neutral with local authorities making use of their perspective and expertise when reviewing their code of conduct and processes. The Committee

considered that the advice of the Independent Person should also be able to be sought from subject members and members of the public, in line with the requirements of the Localism Act. They also reported that an Independent Person needs not just to be independent according to the requirements of the Localism Act 2011 but should also show an ability to:

- offer authoritative and impartial advice
- maintain independence in a politically sensitive environment
- gain the confidence of councillors, officers, and the public
- make decisions on an impartial basis, grounded in the evidence
- work constructively with the local authority and senior officers

3.4 The Independent Person Protocol (the Protocol) was last reviewed and amended to take into account the emerging recommendations at the time and a revised version was approved on the 16th March 2021.

3.5 The Protocol has been used to assess several complaints since that time and appears to work well. Complaints have generally been determined with input from Mr Garvey and Mr Fawcett, the current Independent Persons.

3.6 Members are therefore asked to approve the attached Protocol for another period of 3 years unless a further review is deemed necessary prior to this date.

4.0 SUSTAINABILITY IMPLICATIONS

4.1 There are no significant sustainability impacts associated with this report and, in particular no significant impact on crime and disorder.

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

5.1 There are no significant financial or resource implications arising from this report.

6.0 RISK ASSESSMENT

6.1 The Council must put in place arrangements in order to comply with the requirements of the Localism Act. Failure to do so or to adhere to suitable arrangements may expose the Council to the risk of judicial review proceedings or Ombudsman action. Any action taken in respect of Members would be proportionate in accordance with the requirements of the Human Rights Act.

7.0 HEALTH AND WELLBEING IMPLICATIONS

7.1 There are no health and wellbeing implications arising from this report.

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, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

1. Current Independent Person Protocol