



The statutory role of an 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.

This protocol has been established to clarify how the Independent Person will fulfil this role:

1. Considering complaints of failure to comply with the Members' Code of Conduct
  - 1.1 The Monitoring Officer (MO) will seek the views of the Independent Person (IP) before determining whether a written complaint merits formal investigation, recognising that where appropriate the MO will seek to resolve complaints without formal investigation.
  - 1.2 The MO has been given discretion by Council to refer decisions on investigation to the Standards Committee where he feels that it is inappropriate for him to take the decision and report to Standards Committee on the discharge of this function.
  - 1.3 Following consideration of a written complaint, a decision letter will be issued by the MO which will record that the IP has been consulted and that their views have been taken into account.
  - 1.4 Where at any time the IP is unable to act because of a conflict of interest or because they are otherwise unavailable their role will be carried out by the Reserve Independent Person (Reserve).

## 2. Matters under investigation

- 2.1 The MO may consult the IP at any stage during the process.
- 2.2 Where a matter has been referred to the Standards Committee for determination, the Committee may seek the views of the IP before reaching its conclusions.
- 2.3 The IP may be consulted by a member or co-opted member of the Council or of a Parish Council against whom a complaint has been made.

## 3.0 Decisions

- 3.1 The IP must be consulted before a finding is made as to whether a member has failed to comply with the Code of Conduct; or action to be taken in respect of that member (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);

## 4.0 Relationship with the Standards Committee

- 4.1 The Standards Committee and MO are responsible for ensuring that the Council meets its duty to promote and maintain high standards. However, the IP has the right to be consulted on any proposed changes to the Code of Conduct or procedures for handling allegations.
- 4.2 The IP and Reserve shall receive agendas and minutes of all meetings of the Standards Committee and shall be entitled to attend those meetings and, with the agreement of the Chairman, speak at the Committee.

## 5.0 Advisory role in relation to disciplining of statutory officers

- 5.1 The Independent Person and/or the Reserve may be requested to form (part of) a Panel (Committee) for the purpose of advising the Council on all matters relating to the dismissal of the Head of the Paid Service, Monitoring Officer or Chief Finance Officer in accordance with the requirements of the Local Authorities (Standing Orders) (Amendment) Regulations 2015. It is noted that the Independent Person and Reserve may chose not to accept such an appointment.

## 6.0 Other matters

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- 6.1 The IP and Reserve have the right of access to confidential information required to carry out their role. Access to such information shall be agreed with the MO. In carrying out the role the IP and Reserve shall keep confidential all confidential information they shall receive or become aware of in undertaking their duties. Access to such information shall be agreed with the MO except where it shall otherwise come into the possession of the IP or Reserve in the course of performing their role.
- 6.2 The IP and Reserve have the right of access to Council buildings in order to carry out their role. Access should be agreed with the MO.
- 6.3 The IP and Reserve are expected to declare any relevant interests in relation to cases to the MO who will decide whether the interests conflicts them out of involvement in the matter. In carrying out their respective roles the IP and Reserve shall have regard to the principles set out in the annex to this agreement.
- 6.4 The Council shall indemnify the Independent Person and Reserve in relation to the carrying out of their duties. \* (whether in relation to their standards role or in their disciplinary role) in accordance with the terms of the Indemnity 2008 (see Constitution 17.3) ).

**ANNEX****PRINCIPLES****Selflessness**

Holders of public office should act solely in terms of the public interest.

**Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

**Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

**Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**Honesty**

Holders of public office should be truthful.

**Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.