



**STANDARDS COMMITTEE:
20 MARCH 2018**

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, be endorsed.

2.2 That the Independent Person Protocol shall not be brought to the Committee for routine annual review.

3.0 BACKGROUND

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 Person 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) introduced a requirement that the Council provide revised arrangements for disciplinary action in respect of its statutory officers, i.e. the Head of Paid Service, The Chief Financial Officer and the Monitoring Officer. The Regulations also provided an additional role for Independent Persons.

- 3.4 Following consideration by the Standards Committee on 29 March 2016, the Independent Person recognised the extension to their role and amendments to the Independent Person Protocol and Indemnity arrangements (Constitution 17.3). It is noted that the Independent Person may decline a request to be involved then the Council will seek to reply on reciprocal arrangements with nearby local authorities.

4.0 CURRENT POSITION

- 4.1 Following the introduction of the Independent Person Protocol in July 2013, the Committee has annually reviewed the Protocol.
- 4.2 The latest version of the Independent Protocol, is attached at Appendix 1.

5.0 PROPOSALS

- 5.1 The position in regard to the role of the independent person under the statutory regime, and how this fits within the Council's processes, has now become firmly established. It is proposed therefore that for the future consideration of the Independent Person Protocol be brought to committee where appropriate rather than as an annual review, e.g. where there is any change in the role of the Independent Person or if the Committee requires it.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

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

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 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.
- 7.2 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.

8.0 RISK ASSESSMENT

- 8.1 There are no risks to the Council's business objectives associated with the Protocol.
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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 Independent Person Protocol (Constitution