

SUBJECT:	INDEPENDENT PERSON PROTOCOL
REPORT BY:	DIRECTOR OF RESOURCES
LEAD OFFICER:	CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)

1. Purpose of Report

1.1 To propose the adoption of a protocol in relation to the Independent Person within the Council's structure for investigating complaints made against members.

2. Current Provisions for the Independent Person

2.1 Following the changes brought through the Localism Act 2011, the Council adopted a new code of conduct, which is supported by specific criteria, guidance, and procedure notes also agreed by Council.

2.2 In accordance with these provisions, the Council has also appointed an independent person and two reserve independent persons. Advertisements for the role of the Independent Person were made in advance of the appointment, with a role profiles and guidance circulated to the candidates for the post.

2.3 While the current provisions in relation to the Independent Person and the framework for considering any complaints made against members are sufficient for any complaints to be properly investigated, there remains scope for additional clarity with regard to the precise role of the Independent Person in the complaints process.

3. Independent Person Protocol

3.1 Having regard to documents recently produced by Standards Exchange, it is felt that there would be a benefit in adopting a protocol offering more detailed information on the role of the Independent Person.

3.2 Attached as **Appendix A** to this report is a proposed protocol giving finer detail on the role of the Independent Person, particularly in dealing with complaints made against members.

3.3 The protocol is put forward as a supplement to the criteria, guidance, and procedure already in place and attached as **Appendix B** for members' information. This guidance will remain as the primary document guiding the Council's response to any complaints received against members in relation to the Code of Conduct.

- 3.4 The following aspects of the proposed protocol are of particular note with regard to the Independent Person's role in the investigation of complaints:
- The capacity for the Independent Person to speak with a member about whom a complaint has been received.
 - The scope for consultation with the Independent Person by both the Monitoring Officer and the Ethics and Engagement Committee regarding individual complaints.

- 3.5 Members are recommended to consider the suitability of the protocol in relation to the Independent Person, taking into account any views expressed by the Independent Person or Reserve Independent Persons during the consideration of this item.

4. Strategic Priorities

- 4.1 Ensuring high standards of behaviour by councillors is an important part of maintaining a fit for purpose council; the production of clear guidance for the Independent Person would clearly assist in the operation of a clear, open, and effective procedure for investigating any complaints made against members.

5. Finance Implications

- 5.1 There are no direct financial implications arising from this report.

6. Legal Implications

- 6.1 The protocol offers effective guidance for the Independent Person and any people interacting with him or her; as such, the protocol will be followed whenever appropriate.

7. Recommendations

- 7.1 That the Ethics and Engagement Committee consider and adopt the proposed Independent Person Protocol.