

STANDARDS COMMITTEE

14 MARCH 2016

REPORT OF THE MONITORING OFFICER

A.1 REVIEW OF THE INDEPENDENT PERSON PROTOCOL

(Report prepared by Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek the approval of the revised Independent Person Protocol.

EXECUTIVE SUMMARY

The Independent Person Protocol was adopted by the Council in November 2013, as part of the Standards Framework. At the time it was proposed that three Independent Persons would be appointed to support the Standards Committee and the Monitoring Officer however, since 2014 the Council has worked effectively with two Independent Persons. The Protocol has been reviewed to reflect the current working practices.

In addition, the Protocol has been amended to reflect the manner in which the Independent Persons have contributed to meetings of the Standards Committee and hearings.

Finally, the Protocol now also includes provisions regarding the conduct expected of the Independent Persons, which has not been an issue at Tendring District Council but has been experienced in other local authorities and it is appropriate to ensure that the Council's protocols cover all matters both existing and potential.

RECOMMENDATION(S)

It is recommended that:

1. Subject to any proposed amendments requested by the Standards Committee, that the revised Independent Persons Protocol, as set out in Appendix A is approved and adopted.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Protocol also builds on the Council's good governance arrangements and promotes the maintenance of integrity, both real and perceived within the Council's decision making as well as high standards of conduct.

FINANCE, OTHER RESOURCES AND RISK

Finance and Other Resources

Finance

None associated with the content of this report.

Risk

The Council must ensure that any Codes and Protocols are up to date with current policy, legislation, good practice and national guidance.

LEGAL

The Localism Act 2011 requires Councils to appoint at least one “Independent Person” to introduce an element of independence into the Standards and Conduct arrangements.

The Protocol follows best practice and assists the Council to fulfil its statutory duty to promote and maintain high standards of conduct for both members and officers.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following:

Equality and Diversity

Wards Affected: All

The Council’s Independent Persons have been consulted on the proposed changes.

PART 3 – SUPPORTING INFORMATION

CURRENT POSITION

The Localism Act 2011 requires Councils to appoint at least one “Independent Person” to introduce an element of independence into the Standards and Conduct arrangements.

The Independent Person has three roles:

- To be available to complainants to give their independent view and advice;
- To be available to the person who is the subject of the complaint to give their independent view and advice, and
- To be available to the Monitoring Officer to give their independent view and advice.

An Independent Person must be consulted before a decision is made after a complaint has been referred for investigation and where requests are made for dispensations. The Independent Persons may be consulted in other such circumstances, which the Council deems appropriate. The Complaints Procedure refers to the consultation requirements in more detail.

To provide clarity and confidence in the Independent Person’s role a Protocol was adopted by the Council and included within its Constitution since November 2013. This Protocol has been reviewed to reflect the changes in practice in that the Council has worked effectively with two Independent persons since 2014 for the level of work experienced by the District Council and their involvement at meetings of the Standards Committee.

APPENDICES**Appendix A – revised Independent Person Protocol**