

STANDARDS COMMITTEE - DRAFT PROTOCOL RELATING TO THE INDEPENDENT PERSON

Introduction

This protocol is to make clear the relationships between the Independent Persons (IP) and the various parts of the Council involved in the process of handling standards complaints and wider promotion of standards. Its aim is to ensure that responsibility is clear at each stage of the process and set out the expectations and rights of the IP.

Considering written allegations

1. The Monitoring Officer (MO) will seek the views of an Independent Person (IP) before reaching a decision on whether any further action should be taken on a written complaint.
2. When issuing the decision letter, the MO will record that an IP has been consulted and that their views have been taken into account. Where the view of the MO and IP differ, the MO will record the reasons for following a particular course. The letter will make clear that it is the MO and not the IP who is the decision-maker.

Matters under investigation

3. A member of the principal authority or a town or parish council who is the subject of a complaint may seek the views of an IP. A member wishing to contact an IP should do so via the MO who will arrange for a meeting to take place. These arrangements will be communicated to the subject member by the MO in the decision notice.
4. Where an IP has given views to the subject member, those views shall be put in writing and made available to all relevant parties in the case.
5. An IP will need to agree in advance with the subject member rules of confidentiality but it will be up to the IP to decide whether matters should remain confidential and, even where there is confidential information disclosed to the IP, there should be a public statement that confidential matters were discussed.
6. The complainant may also seek the views of an IP. As with the subject member, contact should be arranged through the MO and any views expressed should be made public.
7. The MO may consult an IP at any stage during the process, particularly on matters which relate to the procedures for handling complaints.
8. Where a matter has been referred to a Standards Sub-Committee for determination, the Sub-Committee must seek the views of an IP before reaching its conclusions. The IP's views should be recorded in any decision notice and, where those views do not reflect the final outcome reasons must be given for any differences. However, it must be clear that it is the Standards Sub-Committee and not the IP who is the decision-maker.
9. An IP shall not make any comments to the media on any matter without prior agreement of the MO or Council Public Relations Team. Any requests for comments

from media shall be referred in the first instance to the MO who may refer these to the Chairman of the Standards Committee as appropriate.

10. An IP may be requested by the MO or Standards Committee to assist in mediation or conciliation in order to resolve complaints where that is considered the most appropriate course of action.
11. An IP may be requested by the MO or Standards Committee to assist in any training on conduct issues as appropriate.
12. Where an IP is unable to act because of a conflict of interest or because they are otherwise unavailable their role will be carried out by another IP.

Relationship with the Standards Committee

13. IPs shall receive agendas and minutes of all meetings of the Standards Committee and shall be entitled to request for items to be added to the agenda with the agreement of the Chairman and to speak at the Committee.
14. IPs are not members of the Standards Committee and therefore are not part of the formal business of the meeting and cannot vote on any matters put to the meeting. They may be invited to observe confidential matters with the agreement of the Chairman.

Other matters

15. An IP has the right to raise any concerns about standards issues or implementation of the process with the authority's Chief Executive and has the right to address a meeting of the full Council about any concerns.
16. The Council, through its Standards Committee and MO, is responsible for ensuring that the Council meets its duty to promote and maintain high standards. However, IPs have the right to be consulted on any proposed changes to the Code of Conduct or procedures for handling allegations.
17. IPs have the right of access to any confidential information required to carry out their role. Access to such information and its storage shall be agreed with the MO.
18. IPs have the right of access to Council buildings in order to carry out their role. Access should be agreed in advance with the MO.
19. The MO will meet at least quarterly with the IPs to review relevant matters.
20. The IPs will agree to sign a code of conduct, including a register of interests to be held by the MO and will declare any relevant interests in relation to cases to the MO who will decide whether the interest conflicts them out of involvement in the matter.
21. IPs are to be considered an office-holder of the authority in accordance with the duty under s28(7) of the Localism Act 2011 and are therefore entitled to be covered by the Council's indemnity insurance provided they act reasonably and within the terms of this Protocol.

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