

Agenda Item 5(i)

Strategic Management Team Lead Officer	Angela Griffiths – Corporate Head of Service for Democratic and Legal Services
Author	Chris Harris
Telephone	01306 879130
Email	Chris.harris@molevalley.gov.uk
Date	29 th October 2014

Subject	Mole Valley District Council's Independent Person Protocol and re-appointment of Independent Persons
RECOMMENDATIONS	
<p>The Committee is asked (i) to consider the attached protocol for the Independent Person and to recommend its adoption by the Council subject to any amendments the Committee may wish to make, and (ii) to recommend to Council the re-appointment of the three Independent Persons for a period of four years from the Annual Council meeting in May 2015.</p>	

The Council has the authority to determine any Recommendations

1.0 BACKGROUND

- 1.1 Members may recall that with the change to the Standards regime in 2012, the independent, co-opted members of the Standards Committee were abolished. Instead the Localism Act 2011 introduced the requirement to have an Independent Person who could be consulted in connection with an allegation that a member had breached the Code of Conduct.
- 1.2 The Act introduced the requirement that the view of the Independent Person must be sought and taken into account by an authority before it makes a decision on a matter it has decided to investigate, and whose views may be sought in other circumstances in relation to allegations, and by a member or co-opted member of the council or parish council whose behaviour is the subject of the allegation.
- 1.3 It is also a requirement of the Act that the Independent Person must not be a member of the Standards Committee, but is welcome to attend the meetings and would need to attend a hearing of the Complaints Sub-Committee so that he or she can be consulted before a decision is made on an allegation that has been investigated where the investigation has concluded that the Member has breached the Code of Conduct.
- 1.4 Mole Valley District Council, together with Guildford, Waverley and Spelthorne Borough Councils jointly appointed three Independent Persons in September 2012 who could be consulted in connection with the Councils' arrangements for dealing with an allegation of a breach of their respective Codes of Conduct.
- 1.5 A profile of the three Independent Persons is available on MOSS.

2.0 Protocol

- 2.1 The Independent Person has been consulted on a number of occasions and the arrangement has proved to be successful. However, to put the consultation on a more formal footing, the four authorities have decided to draft a protocol. The draft was initially sent to the three Independent Persons for comments and, subsequently, Spelthorne BC has adopted it.
- 2.2 A meeting was held on 19 September 2014, which was attended by the three Independent Persons and the Monitoring Officers of the four authorities. The Independent Persons endorsed the draft protocol and suggested some further additions to it, which have been included in the draft protocol.
- 2.2 The draft protocol is attached at Appendix 1.[N.B. not attached for Council meeting]

3.0 Term of Office

- 3.1 The Independent Persons were appointed formally by Council on 18 September 2012 for a term of three years (to expire in May 2015). It is suggested that, in future, the appointments of the Independent Persons be made for a period of four years to reflect the ordinary term of office of a Member. At the recent meeting mentioned above the Independent Persons indicated that they were willing to be re-appointed for a further term of four years should the authorities wish to do so. It is therefore suggested that the Independent Persons be re-appointed for a period of four years at the Annual Council meeting in May 2015.

Financial Implications – None arising directly from this report.

Legal Implications – None arising directly from this report.

4.0 CORPORATE IMPLICATIONS

Monitoring Officer commentary - The Code of Conduct and the arrangements for handling complaints have been prepared in pursuance of the requirements of the Localism Act 2011. There is a statutory requirement to consult the Independent Person at certain stages, when a complaint is made about a Member's behaviour, but the Council can agree its own protocol for the consultation process.

S151 Officer commentary - The S.151 Officer confirms that there are no direct financial implications arising from this report.

Risk Implications - The appointment of an Independent Person to review alleged breaches of Codes of Conduct will help to satisfy the statutory duty to promote and maintain high standards of conduct by Members. Effective processes will help maintain strong ethical governance and safeguard the Council from damage to reputation.

Equalities Implications - The Council's Standards regime complies with equalities legislation.

Sustainability Issues – There are none.

BACKGROUND PAPERS - None