

Arun District Council

REPORT TO:	Standards Committee – 17 October 2024
SUBJECT:	Independent Person Protocol
LEAD OFFICER:	Daniel Bainbridge, Group Head of Law & Governance
LEAD MEMBER:	Councillor David Huntley
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: The Standards Committee is responsible for maintaining high governance standards within the council pursuant to its duties under the Localism Act 2011. The committee has the role of ensuring that the ethical standards regime forming part of the governance framework of the council is robust, thereby engendering public confidence that the council can deliver upon its priorities.	
DIRECTORATE POLICY CONTEXT: The Law & Governance service and the Monitoring Officer function sit under the Chief Executive's Office.	
FINANCIAL SUMMARY: There are no financial implications associated with this report.	

1. PURPOSE OF REPORT

- 1.1. To seek the Committee's views on the proposed Independent Person Protocol.

2. RECOMMENDATIONS

- 2.1. It is recommended that the Committee considers and formally adopts the Protocol.

3. EXECUTIVE SUMMARY

- 3.1. The Standards Committee's functions include functions relating to standards of conduct of District Councillors, Town and Parish Councillors and co-opted members under the Localism Act 2011 or regulations made under it.
- 3.2. National good practice is that the Council should devise and adopt a protocol to ensure there is clarity about the Independent Person role and to make sure that there is clear separation of the roles of the Independent Persons, the Monitoring Officer and the Standards Committee.
- 3.3. The Council has an adopted set of Local Assessment Procedures (LAP) which comprehensively set out the way in which complaints about Member conduct will be dealt with by the Monitoring Officer and the Standards Committee, and the proposed Protocol (see Appendix to this report) mirrors the LAP's requirements as they relate to the Independent Persons.

4. DETAIL

- 4.1. The Localism Act 2011 requires the Authority to adopt arrangements for dealing with complaints of breach of the Code of Conduct by Authority Members.
- 4.2. Section 28(7) of the Act provides for the appointment by the Authority of at least one Independent Person ("IP"). The Act requires that:
 - the IP's views must be sought and taken into account by the Authority before it makes its decision on an allegation which it has decided to investigate;
 - the IP's views may be sought by the Authority in relation to an allegation in other circumstances (e.g. before a decision to investigate is taken, and/or in relation to issues other than the final decision on an allegation);
 - the IP's views may be sought by a Member of the Authority whose behaviour is the subject of an allegation of breach of the Code of Conduct
- 4.3. The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 require that any panel set up to consider disciplinary action in relation to the Statutory Officers (the Head of Paid Service, the Chief Financial Officer and the Monitoring Officer) should include at least two IPs.
- 4.4. The Council has devised a Protocol to ensure that there is clarity about the IP role and to make sure that there is clear separation of the roles of the IP, the Monitoring Officer and the Standards Committee.
- 4.5. The Protocol is new and follows national good practice. The Council's IPs are supportive of the proposed Protocol.

5. CONSULTATION

- 5.1. The Protocol has been devised at the recommendation of the Independent Persons and Hoey Ainscough Associates, who supported the delivery of Code of Conduct and Standards Committee induction training in 2023, and who also supported the development of the model Code of Conduct and the Council's Local Assessment Procedures.

6. OPTIONS / ALTERNATIVES CONSIDERED

- 6.1. The Council could continue without a Protocol, however, this would not be recommended good practice.

7. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER

- 7.1. There are no direct financial implications.

8. RISK ASSESSMENT CONSIDERATIONS

- 8.1 Having in place Independent Persons with a clear definition of purpose and separation of functions supports the Council's governance arrangements and aids the mitigation of risk through the maintenance of strong standards of conduct within the authority.

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 9.1 Councils are statutorily obliged to appoint at least one Independent Person (IP). IPs' views are to be sought and taken into account by the Monitoring Officer and/or Standards Committee when a decision is taken on an allegation under the Members' Code of Conduct. Their views may also be sought by the Monitoring Officer and/or Standards Committee at any other stage in the procedure when a complaint of a breach of the code is considered, or by the Councillor facing the allegation. The Monitoring Officer routinely consults with the IP at the assessment stage of any complaint.

- 9.2 The Council's constitution requires the Council to have a minimum of three Independent Persons appointed at any one time. IPs cannot be employees of the Council, or Councillors, and are invited to attend meetings of the Standards Committee in an advisory, non-voting capacity.

- 9.3 The relevant statutory provisions are set out within the body of this report.

10. HUMAN RESOURCES IMPACT

- 10.1 There are no human resources implications.

11. HEALTH & SAFETY IMPACT

- 11.1 There are no such implications associated with this report.

12. PROPERTY & ESTATES IMPACT

- 12.1 There are no such implications associated with this report.

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

- 13.1 There are no such implications associated with this report.

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

- 14.1 There are no such implications associated with this report.

15. CRIME AND DISORDER REDUCTION IMPACT

15.1 There are no such implications associated with this report.

16. HUMAN RIGHTS IMPACT

16.1 There are no such implications associated with this report.

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1 There are no such implications associated with this report.

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BACKGROUND DOCUMENTS: None