

Report to:	STANDARDS COMMITTEE
Relevant Officer:	Mark Towers, Director of Governance and Regulatory Services / Monitoring Officer
Date of Meeting:	24 September 2014

PROTOCOL RELATING TO THE INDEPENDENT PERSON

1.0 Purpose of the report:

- 1.1 To consider whether to adopt a Protocol relating to the Independent Person.

2.0 Recommendation(s):

- 2.1 To adopt the Protocol for the Independent Person, as set out at Appendix 3(a) and to agree to keep this under review.

3.0 Reasons for recommendation(s):

- 3.1 To help set out the role of the Independent Person to assist all parties involved in the standards framework.

- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

- 3.2b Is the recommendation in accordance with the Council's approved budget? Yes

- 3.3 Other alternative options to be considered:
To not have a Protocol, or to have a Protocol in a different form.

4.0 Council Priority:

- 4.1 The relevant Council Priority is "Deliver quality services through a professional, well-rewarded and motivated workforce."

5.0 Background Information

- 5.1 The role of the 'Independent Person' is a key feature of the standards framework for all local authorities under the Localism Act 2011, in terms of how authorities deal with allegations of member misconduct.

- 5.2 Blackpool and Fylde Councils have agreed shared arrangements in relation to the standards framework and have appointed a shared pool of Independent Persons, with a designated lead for each Council. The Independent Persons are Mr Mozley (lead for Blackpool), Mr Horrocks (lead for Fylde) and Mr Ellwood.
- 5.3 Monitoring Officers from each of the respective Councils, together the three Independent Persons, considered that it would be useful to have a protocol established relating to the role of the Independent Person. A draft copy of the Protocol is attached.
- 5.4 The Protocol seeks to establish the role of the Independent Person in assisting in the consideration of written allegations of member misconduct, circumstances regarding the referral of complaints for investigation, arrangements between the subject member and the Independent Person, what happens following an investigation, the relationship of the Independent Person with the Standards Committee and other general matters concerning the role. Fylde Borough Council agreed this Protocol at a meeting earlier this year.

Does the information submitted include any exempt information?

No

List of Appendices:

Appendix 3(a) - Draft Protocol for Independent Persons.

6.0 Legal considerations:

- 6.1 There is no legal requirement to have a Protocol, it was considered that under the Localism Act 2011, there was a requirement to have an Independent Person and a Protocol would help set out the role of the Independent Person.

7.0 Human Resources considerations:

- 7.1 None

8.0 Equalities considerations:

- 8.1 None other than the Protocol promotes a system where the subject member also has access to an Independent Person as well as the Monitoring Officer.

9.0 Financial considerations:

- 9.1 There are no financial implications associated with this report.

10.0 Risk management considerations:

10.1 A clearly agreed protocol will help arrangements work in a consistent and transparent way.

11.0 Ethical considerations:

11.1 None.

12.0 Internal/ External Consultation undertaken:

12.1 Consultation has taken place between both Monitoring Officers and the three Independent Persons.

13.0 Background papers:

13.1 None.