

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO ACCOUNTS AND AUDIT COMMITTEE

Agenda Item No 7

meeting date: 26 JUNE 2013
title: INDEPENDENT PERSON PROTOCOL
submitted by: CHIEF EXECUTIVE
principal author: MAIR HILL

1. PURPOSE

1.1 To seek Committees approval of the draft Independent Person Protocol.

1.2 Relevance to the Council's ambitions and priorities:

- Corporate priorities – Consideration of the protocol will promote the Council's aim of being a well-managed Council.
- Other considerations –The Council has a duty under Section 27 of the Localism Act 2011 to promote and maintain high standards.

2. BACKGROUND

2.1 The Council has previously put in place arrangements for dealing with standards pursuant to the provisions of the Localism Act 2011. As part of this the Council has appointed two Independent Persons.

2.2 A training session was held on 27 March 2013 for both Members of Committee and the Independent Persons. At this session it was felt that a Protocol setting out the relationship between Councillors and the Independent Persons would be beneficial together with a flow chart illustrating the procedures to be followed.

3. ISSUES

3.1 A draft protocol and flow chart are attached as **Appendix 1** to this report. Councillors and the Independent Persons also felt that it would be helpful to work through the protocol using different scenarios. This will take place in the training session, which has been scheduled to take place before this Committee meeting. Any necessary amendments and/or additions to the protocol, which become apparent as a result of the work carried out in the training session, will be drawn to the attention of Committee.

4. RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – None.
- Technical, Environmental and Legal – None.
- Political – None.
- Reputation – Adopting the protocol will enhance the Council's reputation as a well-managed Council.
- Equality & Diversity – None.

5. **RECOMMENDED THAT COMMITTEE**

- 5.1 Adopt the draft protocol with any amendments and/or additions, which are agreed as necessary.

MAIR HILL
SOLICITOR

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Mair Hill, extension 3216.

BACKGROUND PAPERS: Draft Independent Person Protocol

REF: MJH/Account and Audit Committee/26June 2013

APPENDIX 1



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

INDEPENDENT PERSON PROTOCOL

Introduction

The purpose of this protocol is to establish the relationship between each independent person (“**IP**”) and the various parts of the local authority involved in the process of handling standards complaints and promoting standards within the authority. In doing so it will ensure that responsibility is clear at each stage of the process and will set out the roles and responsibilities of the IPs. A flow chart illustrating the processes to be followed and the IP’s involvement in that can be found at **Appendix 1**.

Consideration Of Written Allegations

1. The Monitoring Officer (“**MO**”) will seek the views of at least one IP before reaching a decision on whether any further action should be taken on a written complaint.
2. When issuing the decision letter or communication, the MO will record that the 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 who is the subject of a complaint alleging that they have breached the code of conduct (“**Subject Member**”) may seek the views of the IP. A Subject member who wishes to consult an IP must do so through the MO who will either contact the IP by email/ in writing and/or arrange for a meeting to take place on Council premises. The MO shall communicate any such arrangements to the Subject Member. A Subject Member must not contact an IP directly, and the IP should inform the MO immediately should any direct contact be attempted.
4. Where possible the MO will provide the IP with all available information to enable them to deal with an approach from a Subject Member.
5. Where a Subject Member seeks the views of the IP via a meeting in person, an independent note taker from within the Council will take a record of the proceedings. The notes will be made available

to all relevant parties, subject to any issues surrounding the Data Protection Act (“DPA”) and/or confidentiality.

6. The IP must agree in advance with the Subject Member rules of confidentiality but it will be the IP’s decision upon what shall remain confidential, but in the event that the matters remain confidential a note should be taken to make clear that confidential matters were discussed. Again, this is subject to the provisions of the DPA
7. The MO may also consult the IP at any time during the investigation.

Reference to Accounts and Audit Subcommittee for local hearing and determination

8. Where a matter has been referred to the Subcommittee for determination, the Subcommittee must seek the views of the IP before reaching its conclusions. The IP’s views should be recorded in any decision notice and where those views do not reflect the determination reasons must be given for any differences. However, it must be clear that it is the Subcommittee and not the IP who is the decision maker.

Relationship With Accounts And Audit Committee

9. The IP shall receive agenda and minutes of all the meetings of Accounts and Audit Committee, be allowed to request for items to be added to the agenda with the agreement of the Chair and be permitted to speak at committee (but not take part in any debate).
10. The IP are not members of the Accounts and Audit 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 Chair.
11. The MO or Accounts and Audit Committee may request the IP to assist in any training on conduct issues
12. The IP may raise any concerns about standards issues or implementation of the process with the MO or Chair of the Accounts and Audit Committee.
13. The IP shall be provided with access to such information and facilities within the Council premises as are necessary for them to carry out their role.
14. The MO will meet or communicate as required with the IP to review relevant matters.

Other matters

15. The IP shall not make any comment to the media on any matter without the prior agreement of the MO. Any requests for comments from the media shall be referred in the first instance to the MO who may refer these to the Chair of the Accounts and Audit Committee or the Subcommittee as appropriate.
16. The IP will 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 complaints which are received to the MO who will decide whether the interest conflicts with their role and as such they should not be involved.

