

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Civic Affairs Committee

20th June 2013

AUTHOR/S: Monitoring Officer

INDEPENDENT PERSON PROTOCOL

Purpose

1. The Committee is requested to consider adopting an Independent Person Protocol to clarify the relationships between the lead and deputy Independent Person (IP) and South Cambridgeshire District Council in the process of handling standards complaints and wider promotion of standards.

2. **RECOMMENDATIONS:**

That the Civic Affairs Committee:

- a) **adopt the Independent Person Protocol as detailed in Appendix A**
- b) **review the Protocol in 12 months' time in consultation with the Independent Person and the Monitoring Officer to ensure it is still fit for purpose.**

BACKGROUND

3. The statutory role of an Independent Person appointed under Section 28(7) of the Localism Act 2011 is to assist the Authority discharge its duty to promote and maintain high standards of conduct amongst Members and Co-opted Members.
4. The protocol has been established to clarify how the Independent Person will fulfill this role. A copy of the proposed Protocol is attached at Appendix A of the report.
5. The Localism Act 2011 introduced a new regime for Councils in promoting and maintaining high standards of conduct amongst Members and co-opted Members. This includes having in place a process for dealing with complaints made under the Authority's Code of Conduct.
6. The role of the Independent Person is key to the complaints process and involves the following:
 - To be consulted by the Authority before it makes a finding as to whether a Member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Member
 - May be consulted by the Authority in respect of a standards complaint at any other stage;
 - May be consulted by a Member or Co-opted Member of the Authority against whom a complaint has been made;
 - To read and digest investigation reports into complaints against Members and co-opted Members.

7. Members are requested to note the content of the report and to adopt the proposed Role of Independent Person Protocol.

BACKGROUND PAPERS: Localism Act 2011
SCDC Code of Conduct Complaints procedures

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