

Report to Standards committee
1 February 2013
Report of Head of law and governance
Subject Role of the Independent Person

Item

6

Purpose

The purpose of this report is to agree the role for the Independent Person (IP), Mr Alastair Roy, for dealing with complaints against members in accordance with the code of conduct adopted on 19 June 2012 and to agree the appointment of the recommended reserve Independent Person, Mrs Fiona Anthony.

Recommendation

1. The committee agree to the general approach for dealing with complaints in conjunction with the appointed Independent Person
2. To refer to Council the appointment of Mrs Fiona Anthony as the reserve Independent Person.

Financial implications

In line with council's agreement, the payment for any work undertaken in relation to this appointment will be at a rate of £25.00 per hour.

Ward/s: All wards

Cabinet member: Councillor Waters – Deputy Leader and resources

Contact officers

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Background documents

None

Report

At the meeting of Council held on 19 June 2012, Council resolved unanimously to adopt, as of 1 July 2012, a new code of conduct and arrangements for dealing with matters raised under the code as provided for by the Localism Act 2011.

The Monitoring Officer was delegated the power to take all steps and deal with all such ancillary matters as are required to implement the appointment of an Independent Person and reserve persons in accordance with paragraph 18-23 of the standards framework.

Following the council meeting of 19 June 2012 a joint exercise to recruit an Independent Person required by the Localism Act 2011 was undertaken by Norwich City, Norfolk County, South Norfolk and Broadland Councils and the Broads Authority. Accordingly, the city council panel interviewed seven candidates. The panel was chaired by Colin Thrower, former independent member of the standards committee and now a co-opted member of the new standards committee.

At its meeting on 25 September 2012 Council agreed the appointment of Mr Alastair Roy to the position of Independent Person for the purposes of the Localism Act 2011.

Role of Independent Person

The 2011 Act provides that local authorities are able to have more than one Independent Person. However, given that the Council has no parish councils and (to date) relatively few standards issues it is recommended that we only have one Independent Person. However, during the interview process we did identify a possible reserve IP and we would recommend that this person be appointed as a reserve IP in the event that the IP is unavailable for any reason.

Following the joint exercise we identified Fiona Anthony as a possible reserve candidate. Mrs Anthony is currently appointed as the Breckland Council Independent Person and comes from a legal background. She is prepared to be the reserve independent person for the council.

Investigating Complaints

Some local authorities are introducing formal written protocols relating to the role of IP and the relationship with the Monitoring Officer (MO) and Standards Committee. However, as with the previous standards regime such formal protocols can lead to rigid and possibly “over-engineered” systems. In the view of our IP and MO we consider and recommend that we should adopt a flexible approach to working based upon certain overriding principles.

Such principles would perhaps include the following:

General Principles

1. The MO will consult at an early stage with the IP if the Leader or a cabinet member was the subject of a complaint. The MO might consult the IP at his or her discretion in other exceptional cases. Otherwise, in the normal course of events, the IP would not be consulted at that stage.

2. The IP will not participate in any governance or structural issues that might arise. However, should there be a number of complaints which relate to such issues then the MO will bring them to the IP's attention.
3. The IP will not attend to observe Council meetings unless requested to do so.
4. The MO will take the decisions whether or not a referral to Standards Committee should be taken on an initial complaint.
5. The IP can be consulted on allegations by the MO before reaching a decision on whether further action should be taken on a written complaint.
6. When issuing a decision letter, the MO will record that the IP has been consulted and that their views have been taken into account. Where the views 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.
7. The IP and reserve shall receive agendas and minutes of all meetings of the Standards Committee and, with the agreement of the chair, be entitled to request that items be added to the agenda and speak at the committee.
8. The IP and reserve are not members of the Standards Committee and therefore are not part of the formal business of the meeting and cannot vote on any matters put to the meeting. However, they may be invited to observe and remain in the meeting during confidential or exempt matters with the agreement of the chair.
9. It is anticipated that the MO and IP will meet two or three times a year at least to review relevant matters.
10. The IP is considered to be an office-holder of the authority in accordance with the duty care under s28(7) of the Localism Act 2011 and is therefore entitled to be covered by the council's indemnity insurance provided they act reasonably and within the terms of this protocol.