

## BOROUGH OF KETTERING

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<b>Report Originator</b>	Sue Lyons Monitoring Officer	<i>Fwd Plan Ref No:</i> N/A	
<b>Wards Affected</b>	N/A	25th March 2013	
<b>Title</b>	ROLE OF THE INDEPENDENT PERSON		

### 1. PURPOSE OF REPORT

- To inform the Committee of the appointment of Mr Mike Sawford as Independent Person
- To consider the role of the Independent Person

### 2. INFORMATION

2.1 The Localism Act 2011 introduced a new Standards Regime which included the duty to appoint an Independent Person. The Council appointed Mr Mike Sawford as the Independent Member at its meeting on 22nd January 2013. The appointment is for an initial term of 12 months, commencing from 22nd January with authority delegated to the Chief Executive in consultation with the Chair of The Standards Advisory Committee to extend the appointment for up to a further three years.

2.2 The role of the Independent Person is not set out in any detail within the legislation. The Localism Act 2011 does say , an Independent Person's:-

- views **must** be sought and taken into account before a decision is made on any allegation that it has decided to investigate. (This means on a decision to take no action where an investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding.)
- **may** be consulted by the Council in respect of a standards complaint at any other stage; and
- **may** be consulted by a Member or co-opted Member of the Borough Council or of a Town/Parish Council in its area against whom a complaint has been made

2.3 The Independent Persons will be expected to attend meetings of the Standards Advisory Committee. They will have the right to speak but not vote at those meetings. The role of the Independent Person is different to the role undertaken by the Independent Members of the Standards Advisory Committee. It is anticipated that the time commitment is likely to be similar. Whilst they have no decision-making responsibility, the requirement for them to be available to be

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consulted by a Member against whom any complaint has been made is a new one and it is difficult to say how this aspect will develop.

- 2.4 A general role description was put together for the purposes of the recruitment process, based on what was considered best practice at the time, and is set out at Appendix 1.
- 2.5 The Monitoring Officer and the Independent Person recently attended a workshop on the “Role of the Independent Person” given by Paul Hoey of Hoey Ainscough Associates Ltd. These events have been held in several places and have led to a series of recommendations that may assist in making the role work effectively. A copy of the conclusions and recommendations are set out in Appendix 2 of this report.
- 2.6 Paul Hoey has prepared a draft protocol relating to the Independent Person, a copy of which is attached as Appendix 3 which reflects the nature of the role and responsibilities involved. The Committee is asked to consider and comment on the Protocol for use by the Council.

### **3. CONSULTATION AND CUSTOMER IMPACT**

N/A

### **4. POLICY IMPLICATIONS**

N/A

### **5. FINANCIAL RESOURCE IMPLICATIONS**

None as a result of this report.

### **6. HUMAN RESOURCE IMPLICATIONS**

None as a result of this report.

### **7. LEGAL IMPLICATIONS**

The Localism Act 2011 requires the Council to appoint at least one Independent Person. The adoption of a Protocol to clearly define the role and responsibilities of the Independent Person is good practice and will assist in avoiding challenges and conflicts in dealing with standards issues.

### **8. RECOMMENDATION:**

- (i) To note the appointment of Mike Sawford as the Independent Person; and
- (ii) To consider and comment on the Independent Member Protocol for adoption

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