

# Gloucester City Council

<b>Meeting:</b>	<b>Audit and Governance Committee</b>	<b>Date:</b>	<b>26 June 2014</b>
<b>Subject:</b>	<b>Independent Person Protocol</b>		
<b>Report Of:</b>	<b>Monitoring Officer</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Sue Mullins, Monitoring Officer</b>		
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<b>Appendices:</b>	<b>1. Draft Independent Person Protocol</b>		

## **1.0 Purpose of Report**

1.1 To consider the adoption of a protocol in relation to the Independent Person.

## **2.0 Recommendations**

2.1 The Audit and Governance Working Group is asked to approve the draft Independent Person Protocol at Appendix 1.

## **3.0 Background and Key Issues**

- 3.1 The Localism Act 2011 (the "Act") made fundamental changes to the system of regulation of standards of conduct for elected and co-opted Councillors and these changes were implemented on 1 July 2012. The duty which already applied to local authorities to promote and maintain high standards of conduct for elected and co-opted members was retained in the Act.
- 3.2 The Act requires the Council to adopt "arrangements" for dealing with complaints of breach of Code of Conduct both by City Council Members and by Parish Council Members, and such complaints can only be dealt with in accordance with such "arrangements". The Council adopted its Code of Conduct and its arrangements for dealing with complaints of breaches of the Code of Conduct at its meeting on 19 July 2012 and has recently revised it to include changes to the seven principles.
- 3.3 In accordance with these provisions, the Council has also appointed an Independent Person. Advertisements for the role of the Independent Person were made in advance of the appointment, with a role profile and guidance circulated to the candidates for the post. The Council's current Independent Person is Ms Lizzie Abderrahim.
- 3.4 While the current provisions in relation to the Independent Person and the framework for considering any complaints made against members are sufficient for any complaints to be properly investigated, there remains scope for additional clarity with regard to the precise role of the Independent Person in the complaints process.

3.5 A proposed protocol giving finer detail on the role of the Independent Person, particularly in dealing with complaints made against Members is set out at Appendix 1. The protocol is proposed as a supplement to Standards Arrangements within the Constitution (Part 4 – Rules of Procedure). The Standards Arrangements will remain as the primary document guiding the Council's response to any complaints received against members in relation to the Code of Conduct.

3.6 The Working Group considered the protocol on 6 March 2014 and approved the draft attached at Appendix 1 for the purposes of consultation with the Independent Person. Ms Abderrahim had no comments on the draft protocol and it is now presented to Audit and Governance Committee for approval.

#### **4.0 Alternative Options Considered**

4.1 The Council could choose not to have a protocol in place but this could lead to a situation where there is a lack of transparency about the Independent Person's role.

#### **5.0 Reasons for Recommendations**

5.1 Ensuring high standards of behaviour by councillors is an important part of maintaining a fit for purpose council. The adoption of a protocol for interaction with the Independent Person would clearly assist in the operation of a clear, open, and effective procedure for investigating any complaints made against members.

#### **6.0 Future Work and Conclusions**

6.1 If the Committee approves the protocol, it will be included in Part 5 of the Council's Constitution – Codes and Protocols and will be publically available. The protocol can be reviewed by the Committee at any time.

#### **7.0 Financial Implications**

7.1 There are no financial implications arising from this report.

(Financial Services have not been consulted in the preparation this report.)

#### **8.0 Legal Implications**

8.1 Under the Localism Act 2011, the Council is required to adopt a Code of Conduct and to make arrangements for dealing with breaches of the Code under the Code for both itself and Parish Councils.

(Legal Services have been consulted in the preparation this report.)

#### **9.0 Risk & Opportunity Management Implications**

9.1 Regular consideration of complaints enables the Council to ensure that its governance arrangements are appropriate and up-to-date.

**10.0 People Impact Assessment (PIA):**

10.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

**11.0 Other Corporate Implications**

Community Safety

11.1 There are no community safety implications.

Sustainability

11.2 There are no sustainability implications.

Staffing & Trade Union

11.3 There are no staffing implications.

**Background Documents:** None.