



## APPENDIX 1

### **Role of the Independent Person**

In accordance with Section 28(7) of the Localism Act 2011, the Council is required to appoint an Independent Person (IP). The Council has appointed four IPs.

#### **1. Complaints against District Councillors or Town/Parish Councillors**

In every case of an allegation of a breach of the Code of Conduct being sent to the Monitoring Officer (MO), one of the IP's (IP1) acts as a consultee to the MO when he/she is considering whether to take matters forward and authorise a formal investigation of the complaint. The MO consults IP1 at all stages in this process, and regarding all aspects of the initial complaint (for example, whether the complainant's name should be anonymised).

If the matter goes beyond this stage and goes forward to an investigation, a second IP (IP2) is available to be consulted by the elected member who is the subject of the complaint. IP2 does not give the Councillor legal advice, but he/she is available to the Councillor to explain to him/her the procedures that are being carried out by the UDC when dealing with the complaint so that these procedures are fully understood by the Councillor.

If the matter then proceeds further to a formal hearing of the Panel, IP3 sits on the panel as a non-voting member, but with full powers to ask questions of the persons who appear before the Panel and to participate in all of the discussions of the Panel when it is discussing whether there has been a breach of the Code and what sanction, if any, to impose if a breach is found. IP3's role is to ensure that the hearing is fair and that all the evidence is presented in a clear and appropriate manner, and that the Panel assesses all of the evidence robustly and impartially.

The UDC has decided that 3 IPs should be involved in all stages of the process to ensure that there is no possible conflict of interest. The MO provides a roster so that each of the IPs is consulted in turn on the three aspects of an allegation of a breach.

#### **2. The Committee.**

The Audit and Standards Committee meets some four times a year, and at least one of the IPs is expected to attend as a non-voting member on each occasion. The IPs may need to prepare for meetings of the Committee by reading Reports and background documentation.

#### **3. Training**

Members of the Audit and Standards Committee undergo training, specifically on the Code of Conduct, and the procedures when there is an allegation of a breach (including sitting on the Hearings Panel). District and Parish and Town Councillors undergo training on the Code of Conduct. The IPs will contribute their ideas and experience to continuously improve the Standards regime and will participate in the training sessions.

#### **4. Complaints against Statutory Officers under the Statutory Officer Employment Procedures.**

A set of regulations governing complaints against the Statutory Officers of the UDC is now in force (Part 4 of the Council's Constitution paragraphs 8.1 -8.7). The three Statutory Officers are (i) The Head of Paid Service (The Chief Executive), (ii) The Monitoring Officer and (iii) the Chief Finance Officer. At least two of the IPs will be involved in the decision-making process in each case, and in particular being appointed to sit on the Panel for the purposes of advising the Authority on matters relating to the dismissal of relevant officers of the Authority.