

# Briefing Note



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## INDEPENDENT PERSONS POLICY / PROTOCOL

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### 1. Purpose

- 1.1 To update members of the Standards Committee on the arrangements for Independent Persons and to provide background to a discussion on the introduction of an Independent Persons Policy / Protocol.

### 2. Background

- 2.1 The Council must appoint at least one Independent Person to assist with the following duties:

- to be available to Councillors, or Co-opted Councillors of Milton Keynes Council or of any parishes within the Borough, for consultation, should their behaviour be subject to an allegation of misconduct; and
- to be available for the Council to seek advice from and to take into account their views, before making a decision on an allegation it has decided to investigate.

- 2.2 Additionally, the Council is required to invite two Independent Persons onto a panel convened for the purposes of dismissing a statutory officer (Chief Executive, Chief Finance Officer, or Monitoring Officer).

- 2.3 The Council's current Independent Persons were appointed for a four year term commencing September 2019 and their details can be viewed [here](#). They are not co-opted members of the Standards Committee (as is the case in some other authorities) but the Council's [arrangements for dealing with standards allegations](#), sets out how and when they must be engaged.

### 3. Issues

- 3.1 There has previously been occasion (both at the Council and other authorities), where an Independent Person has accepted an assignment which might arguably constitute a conflict of interests. As a consequence and to safeguard against this, when the 2019 recruitment exercise was undertaken, the application form was amended, requiring a declaration from those applying

that they would not accept cases where there was a personal or pecuniary interest, and that advice would be sought from the Monitoring Officer if in any doubt.

3.2 The Council previously operated a partnership with a variety of other authorities (Bedford Borough, Central Bedfordshire, Luton Borough, and Buckinghamshire and Milton Keynes Fire Authority) to recruit and pay a pool of up to ten shared Independent Persons. As a consequence there was a Memorandum of Understanding (MoU) between the partners.

3.3 Over time the constituent authorities have subsequently made their own arrangements, leaving just the Council and Buckinghamshire and Milton Keynes Fire Authority sharing Independent Persons. Officers of both authorities do not feel that a further MoU is required, and both Monitoring Officers feel that they have:

- (a) sufficient numbers of Independent Persons available; and
- (b) the flexibility to select Independent Persons for particular assignment.

#### 4. Options

Previous resolutions of the Standards Committee have requested that the Council consider if there is any need for a Protocol for its Independent Persons. Some authorities operate such protocols or policies and examples include: [Dartford Borough Council](#), [Tendring District Council](#) and [Eden District Council](#)

4.1 To informally consult on the introduction of a new policy / protocol

Such policies typically set out the responsibilities and obligations of Independent Persons with respect to their appointing Councils and assignments (such as declaring conflicts and respecting confidentiality) and vice versa, alongside how cases will be allocated, and the training and development that will be provided etc.

Consultation would involve the Chair and Vice Chairs of the Standards Committee, the Council's current Independent Persons and the Monitoring Officer of Bucks and Milton Keynes Fire Authority. If progressed a draft protocol would be presented to the Committees' March meeting.

4.2 To do nothing further

This option relies on the declaration signed by Independent Persons at the time of their application, in terms of safeguarding against conflicts of interest. However, this option also provides a degree of flexibility to the Monitoring Officer and Deputy Monitoring Officer in terms of the rotation of assignments and the training and development provided to Independent Persons.