

INDEPENDENT PERSONS UPDATE

Report Author Philip McCourt – Monitoring Officer
AD Law and Governance

1. Purpose

- 1.1 To update the Standards Committee as to the current position with regard to Independent Persons and to consult the Committee on whether it is appropriate to have a Memorandum of Understanding between authorities and Independent Persons, and what the content of that Memorandum ought to be.

2. Recommendations

- 2.1 That the Committee note the appointment, by Council of the Independent Persons on 12 September 2012 and the training session for Independent Persons undertaken on 15 October 2012**
- 2.2 That the Committee provide their comments on whether a Memorandum of Understanding is an acceptable approach and provide their comments as to the content**
- 2.3 That the Committee authorise the Monitoring Officer to continue discussions on and finalise a Memorandum of Understanding with the other participating authorities and the Independent Persons.**

3. Issues and Choices

- 3.1 Since 1 July 2012 the Authority has been under a duty to put in place arrangements under which complaints under Codes of Conduct, adopted both by Parish/Town/Community Councils and by Milton Keynes Council may be investigated and determined.
- 3.2 As part of these arrangements Milton Keynes Council is under a duty to have appointed at least one Independent Person who must be consulted prior to the determination of a complaint (at the hearing stage) but whose views may also be sought by Milton Keynes Council at any other time in relation to an allegation, and also by the Subject of a complaint.
- 3.3 Due to constraints in statute as to who may act as an Independent Person, persons who were previously Independent Members of the statutory Standards Committees may only serve for 1 year. As a result of these provisions, 6 authorities, Bedford Borough, Central Beds, Luton Borough, Bedfordshire & Luton Combined Fire Authority and Buckinghamshire & Milton Keynes

Combined Fire Authority agreed to run a joint recruitment exercise, which would mean that should past Independent Members apply and be successful, their experience could be pooled and they could continue working with the other authorities in the group once the statutory year limit had passed.

- 3.4 On 30 August 2012 the Standards Committee agreed to the appointment of 10 Independent Persons. This was ratified by the Council on 12 September 2012.
- 3.5 On 15 October 2012 a workshop was held for all Independent Persons to discuss their role with the Authorities. The issues discussed at that session are at annex A.
- 3.6 During discussions with the Independent Persons and the 6 authorities, concerns were raised that some of the authorities were using slightly different Codes and procedures and that as a result, Independent Persons were not clear as to the scope of their role with each authority.
- 3.7 The Independent Persons put forward a clear view that outside of the determination of complaints, they would wish to be involved more generally in conduct matters, have the opportunity to observe Committee meetings and be able to meet together to discuss shared issues.
- 3.8 It was also noted that Independent Persons were not employees of the authorities and nor were they members and as a result, it would not be appropriate for Independent Persons to sign up to the Codes of Conduct however that it may be desirable for the Independent Persons and the Authorities to have in place a written document setting out the roles and responsibilities of all parties.
- 3.9 The authorities involved considered that there may be benefit in compiling a Memorandum of Understanding, to be shared between the authorities and the Independent Persons, to ensure that the parties were clear about their roles and that there was some consistency between the authorities and their relationship with Independent Persons.
- 3.10 A draft Memorandum of Understanding is attached at annex B.
- 3.11 This document is currently in draft format and has not yet been discussed with the Independent Persons. It is provided to the Standards Committee for the Standards Committee to approve the general approach and for discussion as to the content.