

KIRKLEES COUNCIL INDEPENDENT PERSON - STANDARDS

Role Description for Independent Persons

1. Kirklees Council is to appoint at least one person to carry out the role of “Independent Person” which is a role created under Section 28(7) of the Localism Act 2011. The Council has a duty under that Act to promote and maintain high standards of conduct for its elected and co-opted members.
2. The statutory role of the Independent Person arises where the Council has received an allegation that one of its members has breached the Council’s Code of Conduct for Members.

In those circumstances:

- a) If the Council decides to investigate the allegation, the Council **must** consult the Independent Person, and take their views into account, before making a decision on that allegation; and
 - b) The Council **may** seek the views of the Independent Person about any other aspect of the allegation, whether or not it decides to investigate; and
 - c) The member of the Council who is the subject of the allegation **may** also seek the views of the Independent Person at any time.
3. In practice when the Council receives a written allegation of a breach of the Code of Conduct, its Monitoring Officer and Independent Person will decide, after consultation with the Group Business Managers whether the complaint merits formal investigation or should be dealt with in some other way. The Monitoring Officer, Independent Person and Chair of Standards will make the decision before deciding how to proceed.
 4. When a complaint has been investigated, the Independent Person will receive a copy of the investigation report from the Council and asked for his or her view on it and any views s/he may have upon how the Council should determine the allegation. These views will then be taken into account in the final decision making process.
 5. The views of the Independent Person may be sought by the Council at other stages in the process, for instance they will be jointly responsible with the Monitoring Officer in deciding whether an allegation should proceed through the early dismissal process or progress through the Standards procedures.
 6. It is envisaged the views of the Independent Person will usually be sought by the Council (through its Monitoring Officer) in writing, either by letter or email, and that the response of the Independent Person will usually be conveyed in the same way. On occasions however advice may be sought by telephone or at a meeting.

7. As part of the statutory role, the Independent Person will also be available for consultation by any Council member who is the subject of an alleged breach of the Code of Conduct. Such consultation may be sought at any time during the process and may be carried out by telephone, written correspondence (email or letter) or at a meeting.

(This advisory role to an individual Council member will only arise where the member is subject to an alleged breach of the relevant Code of Conduct. An Independent Person will not be expected – and should decline – to give advice to Council members in any other circumstances. Where such advice is required, Council members will be expected to seek it from the Monitoring Officer or some other appropriate Council officer).

8. An Independent Person will be encouraged to acquire some understanding of the work of the Council and how it operates. Support will be provided by the Council's Monitoring Officer, who will arrange any necessary training and the provision of such information which is considered necessary to enable the Independent Person to perform the role properly.