

INDEPENDENT PERSON

ROLE PROFILE

1. To assist the County Council in promoting high standards of conduct by elected, appointed and co-opted Members of the County Council, and in particular to uphold the Member Code of Conduct and the seven principles of public life, namely selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
2. To be consulted by the County Council through the Monitoring Officer and/or the relevant panel or committee.
3. To be consulted by any Council Member who is the subject of an alleged breach of the Code of Conduct.
4. To participate on Panels appointed to consider the dismissal of relevant officers, as defined in the Council's Standing Orders, namely the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.
5. To recommend any disciplinary action, other than suspension, to be taken in respect of relevant officers.
6. To liaise effectively with the Monitoring Officer, Members of the County Council and the Member Conduct Panel.
7. To acquire 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.
8. To attend Audit & Governance Committee in an advisory, non-voting capacity in relation to Code of Conduct matters only.
9. By law a person may not be appointed as an Independent Person if that person:
 - (a) is a Member, co-opted Member or officer of the Council or of a parish council within Surrey.
 - (b) is a relative, or close friend of such a person, or
 - (c) has been a Member, co-opted Member or officer of the Council or of a parish council within Surrey in the previous 5 years.

The person will be appointed for a fixed term of 4 years.

ROLE DESCRIPTION

1. The Independent Person is a statutory role under Section 28(6) of the Localism Act 2011 with the purpose of assisting the County Council in promoting high standards of conduct by elected, appointed and co-opted Members of the County Council and in relation to disciplinary matters concerning the Council's Head of Paid Service, Monitoring Officer and Chief Finance Officer.
2. The Independent Person should have a keen interest in standards in public life, personal integrity, an ability to act with independence, tenacity and objectivity, and sound inter-personal, decision making and analytical skills. They must demonstrate and promote their commitment to the Council's equality, diversity and inclusion policies.
3. The Independent Person may be called upon where the Council has received an allegation that one of its councillors has breached the Member Code of Conduct. If the Council decides to investigate the allegation, the Member Conduct Panel must consult the Independent Person and take their views into account before making a decision on that allegation. The Monitoring Officer and/or Member Conduct Panel may seek the views of the Independent Person about any other aspect of the allegation, whether or not it decides to investigate.
4. A Member of the Council who is the subject of an allegation may also seek the views of the Independent Person at any time. 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 or to the public in any other circumstances.
5. In practice, when the Council receives a written allegation of a breach of the Code of Conduct, its Monitoring Officer may contact the Independent Person at any of the following points:
 - a) To discuss whether a complaint relates to a potential breach.
 - b) Exceptionally, to discuss whether disclosing the identity of a complainant to the Member might prejudice the outcome of an investigation.
 - c) To decide whether or not a complaint should proceed to investigation where informal resolution is not possible due to lack of agreement by the parties.
 - d) When a complaint has been investigated and the investigating officer concludes that there is no evidence of a failure to comply with the Member Code of Conduct, the Independent Person will receive a copy of the investigation report from the Monitoring Officer and asked for their view on whether to convene a Member Conduct Panel.

- e) Where a complaint has been investigated and the investigating officer concludes that there is evidence of a failure to comply with the Member Code of Conduct, the complaint will be considered by a Member Conduct Panel.
 - f) The Chairman of the Member Conduct Panel will report to the Independent Person and seek their views before a final decision is reached on whether the Member has or has not failed to comply with the Code of Conduct.
6. There will only be limited occasions when the Independent Person is required to travel to a specified location in Surrey. However, the nature of the role requires the Independent Person to be readily contactable by telephone and email and to respond within agreed timescales.

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