

## **Role Description for Independent Person appointed by Sunderland City Council for Standards of Conduct Issues affecting City Council and Hetton Town Council Members**

1. The City Council is to appoint one or more individuals 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 and to make arrangements for the consideration of complaints of breaches of its members' code of conduct.
2. The statutory role of the Independent Person arises where the Council has received an allegation that one of its members (or a member of Hetton Town Council) has breached the Council's Code of Conduct for Members (or the Town Council's code of conduct).

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 (or Hetton Town Council) who is the subject of the allegation **may** also seek the views of the Independent Person at any time.
3. When a complaint has been investigated, the Independent Person will receive a copy of the investigation report from the Council and be asked for their view on it and any views they may have upon how the Council should determine the allegation. These views will then be taken into account in the final decision-making process. The final decision may be made by the Monitoring Officer where the investigation has concluded that there has been no breach of the Code, but otherwise is likely to be made by a committee or sub-committee of elected members after a hearing.
  4. The views of the Independent Person may be sought by the Council at other stages in the process, for instance by the Monitoring Officer to assist in deciding whether a complaint could be resolved informally.
  5. It is envisaged that the views of the Independent Person will usually be sought by the Council (through its Monitoring Officer) in writing, either by letter or e mail, 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.
  6. Any Independent Person is likely to be expected to attend any hearing which is held by the Council to decide whether there has been a breach of the Code of Conduct. If it is decided at that hearing that there has been a breach, the Independent Person will be asked for his or her view as to what action, if any, should be taken as a result.

7. As part of the statutory role, the Independent Person will also be available for consultation by any Council (and Hetton Town 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 (e-mail or letter) or at a meeting (including at a final hearing).

(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 or Hetton Town 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. The Independent Person may from time to time be asked for his or her views about other aspects of the Council's standards arrangements, for instance the suitability of the Council's Code of Conduct or the procedures which the Council adopts for the handling of any allegations of member misconduct. The Independent Person may be invited to attend committee meetings for this purpose.
9. In addition to undertaking functions in connection with the ethical standards regime, an Independent Person may be requested to participate in any Panel convened to deal with disciplinary or dismissal proceedings concerning the Head of Paid Service, Chief Financial Officer or Monitoring Officer.
10. 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.