

## **APPENDIX D THE APPOINTMENT OF INDEPENDENT PERSONS (Section 28)**

The new arrangements must include provision for the appointment of at least one independent person whose views 'must' be sought and taken into account before a decision on an allegation the Panel has decided to investigate is made. The views of the independent person may also be sought by the Authority at other times and by a member whose behaviour is the subject of an allegation. This may lead to cases where an independent person is regarded as prejudiced on the matter and cannot then be involved in the determination of a complaint.

An independent person can only be appointed following the submission of an application following advertisement and approval by a majority of the members of the Authority (MBC). The independent person must not be or have been in the previous 5 years a member, co-opted member or officer of the MBC (or a relative, partner or close friend of that member).

Several of the Leicestershire Councils have grouped together to create an Independent Persons panel. From Melton's perspective it had several areas of concern: that Monitoring Officers would undertake the recruitment process, when Members at Melton would potentially wish to be directly involved; that no payment was intended for these services, potential leading to a poor quality of applicants; that the Standards Committee/other members had expressed quite a defined view of the type of attributes that these persons should have.

Full Council Delegated Authority to the Monitoring Officer in consultation with the Chair of Policy Finance and Administration to resolve these arrangements and it has been indicated that a Melton Appointment was preferred so at this time Melton is not part of these joint arrangements.

Members need to consider the number of independent persons they might wish to recruit as the potential for conflict with only one appointed would be very high, the remuneration for these services and consider the job description for these persons.

Attached for members consideration is a job specification/description for comment: Attachment 1.

As the legislation allowing the Council to appoint these persons is not in force until 1<sup>st</sup> July 2012 it is intended that it take place as soon as practicable after this date which would be Full Council on 18 July 2012.

### **RECOMMENDATION**

**That members provide guidance on the recruitment process, number, prospective remuneration, person specification/job description and interview process to be adopted for these persons.**

**INDEPENDENT PERSON APPOINTED UNDER THE STANDARDS REGIME  
PERSON SPECIFICATION**

	Essential	Desirable
<ul style="list-style-type: none"> <li>• <b>Qualifications:</b> No specific qualifications or background is required however a clear Commitment to the role and its responsibilities are essential</li> </ul>	✓	
<b>Knowledge and Skills:</b> <ul style="list-style-type: none"> <li>• A good communicator</li> <li>• Enhanced questioning skills</li> <li>• A natural problem solver</li> <li>• Assertive</li> <li>• Inquisitive, open minded and non-judgmental</li> <li>• Have a general understanding of the principles behind the Members' Code of Conduct.</li> <li>• Awareness of the background to the new Standards Regime</li> <li>• Computer Literate</li> <li>• Flexible</li> </ul>	✓ ✓ ✓ ✓ ✓	✓  ✓
<b>Experience:</b> <ul style="list-style-type: none"> <li>• A demonstrable interest in local issues</li> <li>• Experience in Committee working.</li> <li>• An interest in public service, particularly local government</li> <li>• Live and/or work in Leicestershire.</li> </ul>	✓  ✓ ✓	✓
<b>Competencies:</b> <ul style="list-style-type: none"> <li>• A person in whose impartiality and integrity the public can have confidence.</li> <li>• Able to understand and comply with confidentiality requirements</li> <li>• Able to make a significant contribution to the work of the Committee</li> </ul>	✓ ✓  ✓	
<b>Other Requirements:</b> <ul style="list-style-type: none"> <li>• To agree to observe the Local Code of Conduct for Members including completing a Declaration of Disclosable Pecuniary Interests.</li> <li>• Able to attend Council offices for meetings and consultations as required through the Standards Process</li> <li>• Able to attend programmed meetings, ad hoc if required, and devote preparation time for each meeting.</li> <li>• Able to travel between Councils within the County in order to attend meetings as required</li> <li>• Able to access emails and undertake work at home if required</li> <li>• Be available for telephone/email consultation</li> <li>• Must not currently have and must not enter into any contractual relations with the Council under which he/she will gain personally.</li> <li>• Will have disclosed and agree to continue to disclose to the Council any matter in his/her background which, if it became public, might cause the Council to reconsider the appointment.</li> <li>• Will not be an active member of any political party or have a public profile in relation to political activities.</li> </ul>		

## **INDEPENDENT PERSON**

### **ROLE DESCRIPTION**

1. To attend regularly and participate in meetings of any Committee established to deal with the conduct of Members, including consultative meetings/informal dispute resolutions with the Monitoring Officer and/or Members [Note:- meetings may be held during the evening as well as during the day and may require travelling between Councils within the County. Consultations may take the form of a telephone conversation or email correspondence].
2. To participate as an independent person in hearings in relation to complaints of Member misconduct under the Code of Conduct.
3. To actively promote ethics and standards within the Council and within Town and Parish Councils within the County.
4. To develop and apply knowledge of the Code of Conduct in relation to matters alleging breaches of the Code of Conduct
5. To assist in the preparation of reports and determination of allegations of Member misconduct in conjunction with the Monitoring Officer
6. To analyse and exercise fair and impartial opinion on conduct issues and to set standards of ethical behaviour.
7. To provide a view on the governance of the Council and the conduct of Councillors from an external perspective
8. To develop a sound understanding of the ethical and wider regulatory framework
9. To be aware of the views of the local community on ethical standards and to reflect those in carrying out the role.
10. Be prepared to undertake training and to participate in training events organised by the Council to promote awareness of the Code of Conduct
11. To attend meetings of the Council and civic and other functions in order to raise the profile of ethics and standards within the authority.

## INDEPENDENT MEMBER OF STANDARDS COMMITTEE

### NOTES ON ELIGIBILITY

#### **Localism Act 2011 Section 28;**

A person may not be appointed as an Independent Person if that person:-

- (a) Is a member, or co-opted member (including independent member) or officer of the principal authority or its parish councils;
- (b) Has been a member, or co-opted member (including independent member) or officer of the principal authority or its parish councils in the previous 5 years;
- (c) Is a relative or close friend of a person who is an officer or member of the principal authority or its parish councils;

**Please note that if you are now or have been an Officer, Member, Co opted Member or Independent Member of any Parish, District, Borough or County Council in the last 5 years, you are not disqualified from applying to be an Independent Person. You must however disclose your positions on the Application Form.**

**APPLICATION FOR POSITION OF INDEPENDENT PERSON**

**Name and Address of Applicant**

**Tel.**

**e-mail :**

**Please return this form to**

Adrian Ward

Monitoring Officer

Charnwood Borough Council

**Relevant experience and Interests (Continue on a separate sheet if necessary)**

Please give the name and address of TWO Referees who may be contacted

1.

2.

Are you currently or have you previously been an Officer, Member, a Co opted Member or an independent member within the last five years?

Yes

No

Position:

For which Council?

**CONFIDENTIAL INFORMATION**

YES

NO

Have you ever been convicted of a Criminal Offence ?

I wish to apply to be an Independent Person

In submitting this application, I declare that:-

- I have declared all positions that I have currently and have had in the last 5 years in relation to any Town, Parish, Borough, District or County Council
- I am not related to, or a close friend of, any Member or Officer of any Council in Leicestershire
- I am not engaged in party political activity.

Signed

Dated