

Recruitment Pack

For the appointment of **Independent Person**



Amber Valley
Borough Council

Independent Person

Appointment of Independent Person

Under the provisions of the Localism Act 2011, the Council is required to appoint at least one Independent Person to assist the Council in promoting and maintaining high standards of conduct amongst its elected and co-opted members and town and parish councillors.

The Independent Person is consulted on the decision whether or not to investigate complaints and before the Council makes a decision on an investigated complaint.

The Independent Person may be consulted on other standards matters, including by the member who is subject to an allegation.

An inclusive allowance of £1162 per year will be payable.

Further details and a recruitment pack can be downloaded from our website:

www.ambervalley.gov.uk or from Democratic Services, Town Hall, Ripley, Derbyshire, DE5 3BT. Tel: 01773 570222 or email rebecca.smith@ambervalley.gov.uk

The closing date for applications is 9 April 2018 at 5pm.

Background Information

Each local authority has a Code of Conduct for Members setting out the conduct that is expected of elected members and co-opted members of their authority when they are acting in that capacity.

Under the provisions of the Localism Act 2011 the Borough Council is responsible for dealing with conduct complaints about its members and also about town and parish councillors within the area of the Borough.

The Borough Council must make arrangements under which conduct allegations can be investigated and under which decisions on allegations can be made.

The 2011 Act provides that the Council must appoint at least one Independent Person to assist in discharging these responsibilities. Full details of the role and responsibilities of the Independent Person are included in this Recruitment Pack.

The Council wishes to appoint two new Independent Persons (from early 2018 for a maximum term of initially up to four years). This will allow the Council to act in the event that the person allocated to any particular complaint is incapacitated or otherwise unable to act.



Independent Person

Vacancies for 2 Independent Persons to give advice about the Code of Conduct for Members.

Do you think high standards in public office are necessary?

Are you interested in assisting the Council in maintaining high standards of conduct?

Amber Valley Borough Council has a procedure for dealing with complaints about the conduct of Borough Councillors and Town and Parish Councillors within the Borough. The Localism Act 2011 requires us to appoint at least one Independent Person to assist the Monitoring Officer and Standards and Appeals Committee in the resolution of any complaint. Applicants must have the ability to consider and evaluate information and arguments before reaching sound, justified and fair conclusions. We are therefore looking for people who are able to bring an independent and objective perspective to the investigation process.

As independence is a vital element of the role, the law rules you out for this role if (within the past 5 years) you are (or have been) a Member, co-opted member or employee of Amber Valley Borough Council or any Parish or Town Council within the Amber Valley area, or a relative or close friend of such a person. You might also be excluded if you have a high public political profile, or if you have other close links with the Council, such as a contractor etc., such as to compromise your independence.

The role is initially for a maximum term of up to four years. Training will be given. If you would like to discuss this role in more detail, please call Christopher Potter, Monitoring Officer, on 01773 570222 or email chris.potter@ambervalley.gov.uk

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Role Of Independent Person

Person Specification

Please note that the Localism Act 2011 provides that a person may not be appointed as an Independent Person if that person:

(a) is a member or co-opted member or officer of the Council or a parish/town council in the Council's area, or

(b) is a relative, or close friend of such a person, or

(c) has been a member or co-opted member or officer of the Council or a parish/town council in the Council's area in the previous 5 years.

Essential

E1. To demonstrate a keen interest in promoting high ethical standards in public life and in local government in particular.

E2. To have good communication skills (verbal and written) and good interpersonal skills and to be able to operate effectively at a high level with both members and senior officers, using tact and diplomacy in handling sensitive issues.

E3. To be able to demonstrate an understanding of the standards of accountability and objectivity demanded of public authorities, and the continuous scrutiny under which they are placed.

E4. To have enhanced questioning skills; to be able to use logical reasoning; and bring qualities of open-mindedness and impartiality.

E5. To be able to deal with substantial documentation and to analyse, interpret and absorb information and evidence effectively and quickly, and demonstrate clarity of thought and good judgment.

E6. To understand and comply with confidentiality requirements

E7. To be a person of good standing in whose independence, impartiality, and integrity members and the general public can have confidence.

E8. To be able to attend meetings and be available for telephone or email consultation, sometimes at short notice.

E9. Not to be a member of any political party or have a public profile in relation to political activities.

E10. Not to have close links with the Council or parish/town councils in the Borough (such as a contractor etc.) such as to compromise your independence.

E11. To be willing to disclose to the Council any matter which, if it became public, might cause the Council to reconsider your appointment.



Desirable

D1. To have a general understanding of the principles behind a local authority's Members' Code of Conduct (including an awareness of the importance of ethical behaviours to maintain and enhance public confidence in local democracy).

D2. To have had involvement in or knowledge of public authorities, voluntary organisations, commercial institutions, professional or employee organisations or other similar activities.

D3. To have experience of dealing with complaints procedures or investigative panels in an organisation of similar size.

D4. To have an awareness of, and sensitivity to, the political process.

You should demonstrate in your application how you meet the above criteria as this will assist the short-listing process.

Means of assessment will be by application form, interview and test.

NOTE: You will be required to be contactable at all times during normal working hours by telephone or by email and to be available to attend hearings which may be held in the day time and at relatively short notice.



Role Of Independent Person

Job Description

Responsible to: The Full Council

Liaison with: Monitoring Officer and Deputy Monitoring Officer, members of the Standards and Appeals Committee and members of the Borough Council and Town and Parish Councillors within the Borough, key stakeholders within the community.

Duties and responsibilities

1. To assist in promoting high standards of conduct by elected and co-opted members of Amber Valley Borough Council and town and parish councillors and, in particular, to uphold the relevant adopted Code of Conduct for Members and the Seven Principles of Public Life, namely selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.
2. To comply with the Council's Protocol relating to the Independent Person from time to time agreed by the Council and, in particular, to be consulted by the Monitoring Officer or the Standards and Appeals Committee before a decision is made to refer an allegation for investigation and to be available to attend hearings of the Council's Hearings Panel for this purpose.
3. To be available for consultation by the Monitoring Officer and/or the Standards and Appeals Committee/Sub-Committee before a decision is taken as to whether to investigate a complaint or to seek local resolution of the same.
4. To be available for consultation by any elected member, including town and parish councillors, who are the subject of a standards complaint.
5. To attend the Standards and Appeals Committee/Sub-Committee/Hearings Panel as an observer and to give independent advice.
6. To develop a sound understanding of the ethical framework as it operates within Amber Valley Borough Council and its town and parish councils.
7. To participate in training events to develop skills, knowledge and experience and in networks developed for Independent Persons operating outside the Borough Council's area.
8. To attend training events organised and promoted by the Council's Standards and Appeals Committee.
9. To act as an advocate and ambassador for the Council in promoting ethical behaviour.



Role Of Independent Person

Extract from section 28 of the Localism Act 2011

Section 28 (7) of the Localism Act 2011 states: ‘Arrangements put in place under subsection (6) (b) by a relevant authority must include provision for the appointment by the authority of at least one independent person—

(a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and

(b) whose views may be sought—

(i) by the authority in relation to an allegation in circumstances not within paragraph (a),

(ii) by a member, or co-opted member, of the authority if that person’s behaviour is the subject of an allegation, and

(iii) by a member, or co-opted member, of a parish council if that person’s behaviour is the subject of an allegation and the authority is the parish council’s principal authority.’

Section 28 (8) of the Localism Act 2011 states: ‘For the purposes of subsection (7)—

(a) a person is not independent if the person is—

(i) a member, co-opted member or officer of the authority,

(ii) a member, co-opted member or officer of a parish council of which the authority is the principal authority, or

(iii) a relative, or close friend, of a person within sub-paragraph (i) or (ii);

(b) a person may not be appointed under the provision required by subsection (7) if at any time during the 5 years ending with the appointment the person was—

(i) a member, co-opted member or officer of the authority, or

(ii) a member, co-opted member or officer of a parish council of which the authority is the principal authority;

(c) a person may not be appointed under the provision required by subsection (7) unless—

(i) the vacancy for an independent person has been advertised in such manner as the authority considers is likely to bring it to the attention of the public,

(ii) the person has submitted an application to fill the vacancy to the authority, and

(iii) the person’s appointment has been approved by a majority of the members of the authority;

(d) a person appointed under the provision required by subsection (7) does not cease to be independent as a result of being paid any amounts by way of allowances or expenses in connection with performing the duties of the appointment.’

Section 28(10) of the Localism Act 2011 states: ‘For the purposes of subsection (8) a person (“R”) is a relative of another person if R is—

(a) the other person’s spouse or civil partner,

(b) living with the other person as husband and wife or as if they were civil partners,

(c) a grandparent of the other person,

(d) a lineal descendant of a grandparent of the other person,

(e) a parent, sibling or child of a person within paragraph (a) or (b),

(f) the spouse or civil partner of a person within paragraph (c), (d) or (e), or

(g) living with a person within paragraph (c), (d) or (e) as husband and wife or as if they were civil partners.’

Amber Valley Borough Council

Application form

Individuals who wish to be considered for appointment as Independent Person at Amber Valley Borough Council are requested to provide the following information to support their application. All information provided will be treated in the strictest confidence. Please feel free to use a separate continuation page if you wish to expand upon your answer to any question outlined below.

1. PERSONAL DETAILS

Name:

Address:

Postcode:

National Insurance Number:

Daytime Telephone Number:

Daytime Fax Number:

Email Address:

Mobile Number:

2. QUALIFICATIONS

(Please list in particular any qualifications which you think are relevant to the position of Independent Person)



3. SUMMARY EXPERIENCE

(Please give a brief account of your experience including career, public and voluntary work together with the nature of your current or most recent occupation)

4. RELEVANT EXPERTISE / SKILLS

(Please outline briefly any knowledge or expertise which you believe would be particularly relevant to your as an Independent Person having regard to the selection criteria and role description)



5. REASON FOR APPLICATION

(Please state why do you wish to be considered for appointment as Independent Person and what particular attributes do you believe you would bring to the role?)

6. ADDITIONAL INFORMATION

Please provide any additional information you may wish to give in support of your application:



7. REFERENCES

References will be taken up.

1. Name of first referee:

2. Name of second referee:

Address:

Address:

Telephone No:

Telephone No:

I wish to apply to be an Independent Person and give full consent to the Authority to contact my referees.

In submitting this application, I declare that:

- I am not and have not during the past five years been a Member or Officer of Amber Valley Borough Council.
- I am not related to, or a close friend of, any Member or Officer of Amber Valley Borough Council.
- I am not, and do not intend to be, actively engaged on national / local party political activity, and I am not closely connected to the Council or any town / parish council in the Borough such as to compromise my independence.

Signed:

Date:

Please complete and return so as to arrive by no later than 5pm on 9 April 2018 to:

Democratic Services (FAO Rebecca Smith)
Amber Valley Borough Council
Town Hall
Ripley
DE5 3BT

or by email to rebecca.smith@ambervalley.gov.uk





Designed and Published by Amber Valley Borough Council.

Amber Valley Borough Council, Town Hall, Market Place, Ripley, Derbyshire, DE5 3BT.

