



Public Agenda Item: **Yes**

Title: **Determination of Independent Person Specification**

Wards Affected: **None**

To: **Standards Committee** On: **30 January 2013**

Contact Officer: **Anthony Butler**
☎ Telephone: **01803 207155**
✉ E.mail: **anthony.butler@torbay.gov.uk**

1. Key points and Summary

1.1 At the full council meeting of 12 July 2012 the Council adopted its new code of conduct in accordance with the requirements of the Localism Act 2011. Part of that decision included confirmation of the Council's independent persons appointed under the old regime continuing for a further year whilst new independent persons were appointed. The Localism Act 2011 and the regulations prohibit the independent persons appointed under the old regime for continuing in the role beyond July 2013.

2. Actions

2.1 A job description and person specification have been developed and members are asked for their comments and amendments to these prior to the role being advertised. A copy of the draft job description and person specification are included at Appendix A. Comments are specifically sought in respect of the following:-

1. What allowance (if any) should be paid to the person(s) appointed?
2. How many independent persons should be appointed?
3. Are there any additional eligibility criteria that should be included or considered?

3. Background

3.1 The Localism Act 2011 ('the Act') requires the Council to appoint at least one independent person:-

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

(b) whose views may be sought—

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

(ii) by a member, or co-opted member, of the Council or Brixham Town Council if that person's behaviour is the subject of an allegation

3.2 The provisions of the Act mean that a member, co-opted member or officer of Torbay Council or Brixham Town Council cannot be appointed as the independent person for Torbay and nor can a relative or close friend of such a person be appointed. Furthermore, a person who was a member, co-opted member or officer of Torbay Council or Brixham Town Council cannot be appointed as an independent person within 5 years of their ceasing to be the same.

3.3 The applicants will be interviewed by the Monitoring Officer and Executive Head Commercial Services and the appointments must be approved by full council. It is expected that a report will be put to full council in May 2013.

Anthony Butler
Monitoring Officer

Appendix A

Appointment of Independent Person - DRAFT

The Localism Act 2011 provides the statutory framework for regulating the conduct of Councillors.

To assist the Council in maintaining high standards of conduct, ethics and probity, the Council is seeking to recruit two Independent Persons. The role of the Independent Person is:

- To provide their views on complaints made against Councillors at the assessment stage, if requested;
- To provide their views on all complaints that reach the investigation stage;
- To provide support to the Councillor complained against at any time after a complaint is received, if requested by the relevant Councillor;
- When required, to assist the Standards Committee and/or the Council in encouraging and maintaining high standards of conduct.

The appointment will be effective from July 2013. To be eligible to be an Independent Person you must NOT:

- Currently be a Councillor or Officer or a co-opted Member of a Committee of Torbay Council or Brixham Town Council or have been a Councillor, Co-opted Member or Officer of either in the last 5 years;
- Be a relative or have any close links with any Councillor or Officer of Torbay Council or Brixham Town Council which might lead people to question your independence;
- Have made a formal complaint to the Council in respect of the behaviour of any member of Torbay Council or Brixham Town Council in the past 2 years.

Appropriate training will be given (and travelling and subsistence expenses will be paid.) (The position attracts an allowance of ???) The position does not attract an allowance.

If you would like an information discussion please telephone Anthony Butler, Monitoring Officer, telephone number 01803 207155 or anthony.butler@torbay.gov.uk

Applications should be submitted by 15 March 2013
Interviews will be held in April 2013

Please complete the application form in full and return it to Lisa Antrobus, Governance Support Officer by 12 noon on 15 March 2013. Your form can be completed electronically and returned by email to lisa.antrobus@torbay.gov.uk.

Alternatively, please post to: Torbay Council, Town Hall, Castle Circus, Torquay, TQ1 3DR.

Job Description - Independent Person

Post: Independent Person

As required by the Localism Act 2011, an Independent Person contributes towards promoting and encouraging high standards of conduct by bringing an independent and impartial voice to issues relating to complaints about a Member (including co-opted Members) of the Authority. Specifically the views of the Independent Person must be sought, and taken into account, by the Authority before it makes its decision on an allegation. The Independent Person may also be asked by the Standards Committee and/or the Council to assist in reviewing the general conduct of Members from time to time.

Objectives of the Post:

- Offer an objective and independent view on complaints of non-compliance with the Council's Code of Conduct;
- Consider and advise on the other matters relating to conduct, ethics and probity as referred to it by the Council's Monitoring Officer;
- Assist the Council in maintaining high standards of conduct, ethics and probity.

In order to achieve this, Independent Person will be expected to:

- attend appropriate training courses, briefing sessions and events arranged by the Council.
- Adhere to the Council's Code of Conduct.

Person Specification – Independent Person

Qualifications	
1. No specific qualifications or background is required.	
Essential Knowledge and Skills	Desirable Knowledge and Skills
2. A good communicator with questioning skills. 3. Assertive. 4. Inquisitive, open-minded and non-judgemental.	1. General understanding of the principles behind the Members Code of Conduct. 2. Awareness of the background to the new ethical framework for local government.
Essential Experience	Desirable Experience
5. An interest in public service and local government in particular.	3. A demonstrable interest in local issues. 4. Experience in committee working/weighing evidence and dealing with ethical issues.
Essential Competencies	Desirable Competencies
6. A person in whose impartiality and integrity the public can have confidence. 7. Understand and comply with confidentiality requirements.	
Essential – Other Requirements	
8. Meets all the eligibility requirements	