

***Tendring***  
***District Council***



**TENDRING DISTRICT COUNCIL**

**STANDARDS COMMITTEE**

**INDEPENDENT  
PERSONS**

**INFORMATION AND  
APPLICATION PACK**

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## **A MESSAGE FROM THE CHIEF EXECUTIVE**

Thank you very much for expressing an interest in becoming an Independent Person on the Council's Standards Committee.

In this information and application pack you will find out more about the Standards Committee and what might be expected of you should you become an Independent Person. You will also find a short application form, which I would be grateful if you could complete and return in the envelope supplied if you wish to apply for the role.

The promotion and maintenance of the highest possible standards of behaviour in the work of the Council is of the greatest importance. Bringing in independent people to be part of our Standards arrangements helps to build confidence within the community that the Council is doing its best in this area.

We are looking for persons who have an independent and analytical mind, are tactful and have good interpersonal skills, and can give clear and reasoned advice. It is important that the Independent Persons have the profile and experience that the community would respect in bringing an independent and informed perspective to the standards process.

Thank you once again for your interest.

Ian Davidson

Chief Executive

## **APPOINTMENT OF INDEPENDENT PERSON**

### **SELECTION TIMETABLE AND HOW TO APPLY**

#### **The timetable**

The closing date for receipt of applications is **INSERT DATE**.

Short-listing is scheduled for the following week and interviews will take place week commencing **INSERT DATE**.

Candidates will be interviewed by a Panel of three Councillors from the Council's Standards Committee. The final appointments will be made by full Council at its Annual meeting on 6<sup>th</sup> May 2014.

All applications will be assessed against the selection criteria outlined in the application form and Independent Person specification. Candidates who are invited for interview will be notified after the short-listing process has taken place. Contact is likely to be by email if an email address is provided by the applicant.

If you have any questions about becoming an Independent Person, please contact Lisa Hastings, the Council's Monitoring Officer, on 01255 686561 or email [lhastings@tendringdc.gov.uk](mailto:lhastings@tendringdc.gov.uk)

#### **How to apply**

Should you wish to apply for this position, please complete the application form and include a statement that you feel demonstrates how you meet the criteria and would be suitable for the role.

You should then send the completed form to:

Lisa Hastings  
Monitoring Officer  
Tendring District Council  
Town Hall  
Station Road  
Clacton-on-Sea  
Essex  
CO15 1SE

or email it to [lhastings@tendringdc.gov.uk](mailto:lhastings@tendringdc.gov.uk)

## **TENDRING DISTRICT COUNCIL**

The Council is composed of 60 elected Councillors.

The next District Council elections will take place in May 2015.

Councillors are democratically accountable to the residents of their District Ward and have an overriding duty to the whole community, including those persons who did not vote for them at election time.

There are also twenty seven Parish and Town Councils within the District.

Further information can be found on the Council's website at [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk)

## **THE STANDARDS COMMITTEE**

The Council agreed at its meeting on 26 November 2013 to create a Standards Committee and a Town and Parish Councils' Sub-Committee, which comprise of District Councillors and representatives from TDALC.

The terms of reference for Standards Committee are as follows:

### **(1) Terms of Reference**

The Standards Committee will have the following roles and functions:

1. To promote and maintain high standards of conduct by Members and Co-opted Members of the authority;
2. To develop a culture of openness, transparency, trust and confidence between Members and in Member and Officer relationships and to embed a culture of strong ethical and corporate governance at all levels in the Council.
3. To advise the Council on the adoption or revision of the Members' Code of Conduct;
4. To advise, train or arrange training on matters relating to and assisting Members, Co-Opted Members and Town and Parish Councillors on observing the Members' Code of Conduct;
5. To approve procedures for the conduct of hearings into complaints against Members;
6. To advise the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council;
7. To receive reports from the Monitoring Officer and assess the operation and effectiveness of the Members' Code of Conduct and the other elements of the Standards Framework;
8. To inform Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints;
9. To hear and determine appeals against refusal to grant dispensations by the Monitoring Officer pursuant to Section 33 of the Localism Act 2011; and
10. To maintain oversight of the Council's arrangements for dealing with complaints delegated to Standards Town and Parish Sub-Committee.

### **Proceedings**

1. To conduct proceedings in accordance with the Complaints Procedure, giving due consideration to the Monitoring Officer's advice and guidance,

and following the principles of natural justice and innocent until proven otherwise;

2. To receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the assessment criteria and Complaints Procedure;
3. To hear and determine complaints about Tendring District Council Members and Co-Opted Members referred to it by the Monitoring Officer;
4. Any determination by the Committee which is contrary to the recommendation of the Monitoring Officer will include detailed reasons. The decision of the Committee will also be reported to the next meeting of full Council.

## **TOWN AND PARISH COUNCILS' STANDARDS SUB-COMMITTEE**

### **Composition**

Three Members of the Standards Committee and three non-voting co-opted Town and Parish Council members to be nominated by the Tendring District Association of Local Councils.

The nominated Town and Parish Council members will be of independent standing and will not have served as District or County Councillors for a period of four years prior to their nomination.

A member (or non-voting co-opted member) of the Town and Parish Standards Sub-Committee will not be permitted to sit in that capacity for a hearing if that Member is the subject of the complaint or the complainant. A substitute will be permitted, if they have undertaken specific Standards Committee training.

### **Terms of Reference**

To advise and assist Town and Parish Councils and Councillors to maintain high standards of conduct and to make recommendations to Parish and Town Councils on improving standards or actions following a finding of a failure by a Parish Councillor to comply with its Code of Conduct.

### **Proceedings**

1. To conduct proceedings in accordance with the Complaints Procedure, giving due consideration to the Monitoring Officer's advice and guidance, and following the principles of natural justice and innocent until proven otherwise;
2. To receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the assessment criteria and Complaints Procedure;

3. To hear and determine complaints about Town and Parish Council Members and Co-Opted Members referred to it by the Monitoring Officer; and
4. Any determination by the Sub-Committee which is contrary to the recommendations of the Monitoring Officer will include detailed reasons. The decision of the Sub-Committee will also be reported to the next meeting of full Council.

The Standards Committee will usually have four quarterly meetings and also additional meetings as necessary for the purpose of progressing allegations of misconduct.



## **THE INDEPENDENT PERSON: SPECIFICATION**

### **How has this role come about?**

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” to deal with allegations that a Member, or co-opted member with voting rights, of the Council or of one of the Town or Parish Councils in the District has not complied with their Council’s Code of Conduct.

Such arrangements must provide for the Council to appoint at least one Independent Person, whose views must be sought by the Authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views may be sought by the authority at any other stage, or by a Member against whom an allegation has been made.

Tendring District Council has decided to appoint three Independent Persons.

### **What is the role of an Independent Person?**

The Independent Person’s role is to work with the Council’s Standards Committee and Monitoring Officer to help to ensure high standards of conduct in the Council and amongst elected Councillors within the District. One or all of the Independent Persons may be consulted at various stages of the complaints process in respect of any allegation that a Councillor has breached their Code of Conduct and on other Code of Conduct matters. The Independent Person’s role is set out in more detail in the Protocol.

### **Who is eligible?**

Under the legislation, a person is not considered independent and is therefore ineligible if he/she:

- Is, or has been within the past 5 years, a member, co-opted member with voting rights or officer of the Council or of one of the Town or Parish Councils in the District; or
- Is a relative, or close friend, of a member, co-opted member with voting rights or officer of the Council or of one of the Town or Parish Councils in the District. For this purpose, “relative” means –
  - a. A spouse or civil partner;
  - b. Living with the person as husband and wife or as if they were civil partners;
  - c. A grandparent of the person;
  - d. A lineal descendent of a grandparent of the person;
  - e. A parent, sibling or child of the person;
  - f. A spouse or civil partner of c., d. or e. above;
  - g. Living with a person defined at c., d. or e. above as husband and wife or as if they were civil partners

### **How long is the appointment?**

This will be confirmed on appointment, but it is likely that the Council will appoint the Independent Persons for a maximum four-year term, which reflects the ordinary term of office of a councillor.

### **Do I have to live or work in the District?**

Not necessarily, but a connection to the District will add to the merits of your application.

### **How will the successful candidate be appointed?**

The positions are being advertised publicly via the Council's website. The Council may only appoint someone who makes a formal application and the appointment must be approved by a majority of the members of the Council.

A Panel of the Council's Standards Committee, which comprises 3 Members of the Committee and the Monitoring and Deputy Officers and is being convened to conduct interviews. The Panel will recommend those applicants that it feels should be appointed to the Council.

### **What sort of person is the Council looking to appoint?**

Ideally, the Independent Persons will live or work in the County of Essex and understand the area and some of the issues facing it. They should be impartial, have a good standing in the community, and support the Council's goals of being accountable, open, principled and committed to equality opportunities.

No particular professional background is specified, but the person should be able to demonstrate probity and high ethical standards. It is important that the Independent Persons have the profile and experience that the community would recognise and respect as bringing an independent and informed perspective to the process.

### **Is the position paid?**

It is not intended that Independent Persons will be entitled to a payment under the Council's Members Allowances Scheme however, expenses may be recovered. The details will be clarified upon appointment.

### **How much time does it involve?**

The workload of the Independent Persons will vary, according to the number of allegations of misconduct that are received. There are usually four ordinary meetings of the Standards Committee each year and additional meetings will be held to progress complaints. Committee meetings are generally held during the day. Also, the Independent Persons will be consulted by the Monitoring Officer on various occasions, as set out in the Independent Person role description. This may be by telephone, email or meeting.

# INDEPENDENT PERSON: PROTOCOL

## TENDRING DISTRICT COUNCIL INDEPENDENT PERSON PROTOCOL

This Protocol sets out the expected conduct of Tendring District Council's Independent Persons (IP) when carrying out their consultation functions in relation to an allegation that a Member, or co-opted Member, of the District Council, or a Member, or co-opted Member, of a Town or Parish Council within the District, has failed to comply with the relevant Council's Code of Conduct.

### Principles

1. The role of the IP is set down in legislation (section 28 of the Localism Act 2011). *Arrangements put in place by the Council must include provision for the appointment by the authority of at least one independent person, 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 in any other such circumstances it considers appropriate.*
2. The purpose of the IP role is to enable the public to have confidence in how the District Council deals with allegations of misconduct and to promote and maintain high ethical standards of conduct for members, ensuring they are adequately trained and understand the Code of Conduct.
3. This Protocol applies to all IPs equally and complements the Monitoring Officer Protocol. If the Council is in a position where less than three IPs are appointed due to vacancies, this Protocol still applies in its entirety, so long as one IP is in place (as required by the legislation).
4. The Protocol has been prepared in light of the provisions of the Localism Act 2011 and associated regulations and will be kept under review and amended where necessary.
5. In carrying out the role, the IP will ensure that he/ she -
  - a. Acts in accordance with -
    - (i) any relevant legislation or guidance and the respective Council's Code of Conduct in force at the time; and
    - (ii) the agreed processes/ procedures approved by the District Council's Standards Committee and the Council's Constitution; and
  - b. Acts impartially at all times, without political bias or prejudice and in accordance with the rules of natural justice; and
  - c. Maintains confidentiality at all times.
6. The IP role is consultative at various stages of the process, in accordance with the Complaints procedure and Monitoring Officer's (MO) role is to give advice to the Standards Committee or Sub-Committee.

7. The IP is not a member of the Council's Standards Committee or Sub-Committee but is able to attend meetings of the Committee, as a member of the public.
8. The outcome of any prior consultation with the IP undertaken by the MO will be included within any written report presented to the Standards Committee or Sub-Committee for their consideration. The IP views must be sought before a decision is made after a complaint has been investigated. This will be undertaken by the MO in the first instance, but it may be appropriate for the Committee or Sub-Committee to do this directly in exceptional circumstances.
9. If the Standards Committee or Sub-Committee invites the IP to attend any meeting, the IP does not have any voting rights when doing so.
10. The MO will consult the IP on complaints received in accordance with the Council's procedure and requests for dispensations received in accordance with the Localism Act 2011.
11. While the MO will have regard to the views expressed by the IP, he/she is not bound to accept his/her views on the matter.
12. When deciding on how to progress with a complaint, the MO/IP should consider the conduct complaints assessment criteria.
13. The IP should inform the MO if they feel there are circumstances which would suggest that they had a conflict of interest e.g. being a friend of either the complainant or Member concerned; or have previously been involved in the matter.
14. If all of the IPs are conflicted out from dealing with the issue, the MO will consider making a request to use the services of an IP from another principal authority.
15. All contact with the IP should be made through the MO and should the IP be contacted directly by a complainant or Member, he/she should inform the MO immediately.
16. In terms of confidentiality, the IP must not discuss any matters about a complaint, either past or present, with the media or any other third party without appropriate advice having been taken.
17. The IP must provide the MO with appropriate methods of contact e.g. email and telephone numbers, and must make themselves available at all reasonable times.
18. On those occasions when the IP knows that they will not be contactable, he/she must inform the MO with as much reasonable notice as possible so that the reserve IP can be advised that he/she would be required to stand-in as necessary during this period.
19. The IP should be prepared to give the Standards Committee or Sub-Committee, through the written report, an independent view on the complaint

and the merit of the evidence put forward as required to assist the Committee in coming to a decision on the matter.

20. When discussing the complaint with the complainant or the Member subject of the complaint, the IPs role is not to give views on the merit of the complaint or the evidence in support but to give advice and reassurance on the process.
21. In each complaint, one IP will be allocated a role by the MO, which will be one of the following:
  - a. Available to the Complainant – see paragraph 20 above; or
  - b. Available to the Member subject of the Complaint - see paragraph 20 above; or
  - c. Available to the Standards Committee or Sub-Committee for consultation as part of the complaints procedure and in accordance with the Localism Act 2011.
22. The MO will rotate the roles between the IPs on a case by case basis. Should less than 3 IPs be appointed at any time, so long as 1 IP is in place the IP will be expected to be available for the respective parties set out in 21 (a-c).
23. The MO will ensure that the IPs are kept up to date with changes in legislation, national guidance or good practice.

(Note: “Member” is an alternative reference to “Councillor”)

# Tendring District Council



## APPLICATION FORM FOR ROLE OF INDEPENDENT PERSON

### PERSONAL DETAILS

TITLE	MR/MRS/MISS/MS/OTHER* * Please specify .....
NAME	
ADDRESS	
TELEPHONE NUMBER (daytime)	
TELEPHONE NUMBER (mobile)	
EMAIL ADDRESS	

## REFERENCES

**REFERENCES** - Please give the details of two people\* who are not related to you and who are able to provide references, relating to your suitability for the role.

NAME		NAME	
ADDRESS		ADDRESS	
TEL.NO.		TEL.NO.	
EMAIL		EMAIL	
POSITION		POSITION	
Note that references may be taken up prior to interview unless you indicate otherwise			

## ADDITIONAL INFORMATION

Please use the space on the next page to give details of why you would like to become one of the Council's Independent Persons and why you believe you are suitable for the position, taking into account the person specification and selection criteria. You may wish to tell us about your personal qualities and skills and work experience including voluntary activities and leisure interests.

The selection criteria include:

- A keen interest in standards in public life
- A wish to serve the local community and uphold local democracy
- High standards of personal integrity
- An ability to be objective, independent and impartial
- Sound analytical skills
- Leadership qualities, particularly in respect of exercising sound judgment
- Tact and diplomacy in handling sensitive situations
- A broad range of experience
- Good interpersonal skills
- Some knowledge of local government and an understanding of the political process

**Additional Information contd ...**

**Please continue on a separate sheet of paper if necessary ...**



**PLEASE SIGN AND DATE THIS DECLARATION**

- I confirm that to the best of my knowledge and belief the information given in this application is accurate.
- I confirm that I am not, nor have I been within the past 5 years, a member, co-opted member with voting rights or officer of Tendring District Council or of one of the Town or Parish Councils in the District of Tendring.
- I confirm that I am not a relative or close friend of a member, co-opted member with voting rights or officer of Tendring District Council or of one of the Town or Parish, Councils in the District of Tendring.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

When completed, please return to:

**Mrs Lisa Hastings  
Monitoring Officer  
Tendring District Council  
Town Hall  
Station Road  
Clacton-on-Sea  
Essex CO15 1SE**