



STANDARDS COMMITTEE

DATE:	Wednesday, 3 October 2018
TIME:	10.00 am
VENUE:	Council Chamber, Council Offices, Thorpe Road, Weeley, CO16 9AJ

MEMBERSHIP:

Councillor Heaney (Chairman)
Councillor Bray (Vice-Chairman)
Councillor Bucke
Councillor S Honeywood

Councillor Nicholls
Councillor Steady
Councillor Whitmore

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Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Ian Ford on 01255 686584.

DATE OF PUBLICATION: Monday, 24 September, 2018

AGENDA

1 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

2 Minutes of the Last Meeting (Pages 1 - 4)

To confirm and sign as a correct record, the minutes of the meeting of the Standards Committee, held on Monday 23 July 2018.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

4 Questions on Notice pursuant to Council Procedure Rule 37

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

5 Joint Report of the Head of Leadership Support and Community and Head of Governance and Legal Services & Monitoring Officer - A.1 - Independent Remuneration Panel and Independent Persons Recruitment (Pages 5 - 26)

To enable the Committee to comment on the proposed Independent Remuneration Panel and Independent Persons recruitment pack and to approve membership and delegations of the Interview Panel for recommending to Council appointment of the successful candidates.

6 Discussion Topics and/or Updates from the Monitoring Officer

The Monitoring Officer will give a quarterly update on Complaints.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Standards Committee is to be held in the Council Chamber, Council Offices, Thorpe Road, Weeley, CO16 9AJ at 10.00 am on Wednesday, 16 January 2019.

Information for Visitors

FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

Your calmness and assistance is greatly appreciated.

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**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON MONDAY, 23RD JULY, 2018 AT 10.00 AM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Heaney (Chairman), P Honeywood, S Honeywood, Nicholls, Steady and Whitmore
In Attendance:	Lisa Hastings (Head of Governance and Legal Services), Linda Trembath (Senior Solicitor (Litigation and Governance)) and Debbie Bunce (Legal and Governance Administration Officer)
Also in Attendance:	John Wolton and Clarissa Gosling (Independent Persons)

28. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Bray (with Councillor P B Honeywood substituting) and Bucke (with no substitute).

29. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Standards Committee, held on 19 March 2018, were approved as a correct record and signed by the Chairman.

30. DECLARATIONS OF INTEREST

There were none on this occasion.

31. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were none on this occasion.

32. REPORT OF THE MONITORING OFFICER - A.1 - REVIEW OF THE PROTOCOL ON MEMBER/OFFICER RELATIONS

There was submitted a report (A.1) by the Monitoring Officer which sought to undertake a review of the Protocol on Member and Officer Relations, which had been last adopted by the Standards Committee in September 2014 in order to ensure that it was still current and reflected best practice.

The Committee was made aware that the Protocol had initially been reviewed by the Monitoring Officer, in consultation with the Chief Executive and the Management Team, to ensure that the Protocol reflected the current working practices and also enhance the Access to Information provisions. The amendments suggested by the Monitoring Officer for consideration by the Committee when undertaking its review were:

- *to ensure the current wording was consistent with the Constitution;*
- *insert that any appropriate challenges between Members and Officers should be undertaken in a professional and respectful manner;*

- *clarify that Officer conduct would be dealt with in accordance with the Council's Human Resources Policies and Procedures; and*
- *insert provisions on the common law 'need to know' principle.*

It was felt that the success of the Council was greatly dependent upon the positive nature of the working relationship between Members and Officers. Mutual trust and respect between Members and Officers was essential to good local government. To that end in 2014, the Standards Committee had adopted the current Protocol on Member/Officer Relations, which was contained within the Councils' Constitution.

Members were informed that the recent Local Government Association Peer Review feedback in its report had stated that: *"Member and Officer relationships are good. Members are engaged and well briefed on issues. They value the informal "all member briefings" that take place each month as well as the other opportunities to be involved."*

The Committee was advised that the existing Protocol was considered to still represent best practice. However, following an initial review by the Monitoring Officer, in consultation with the Chief Executive and his Management Team, a few minor amendments had been suggested for consideration by the Committee.

The Monitoring Officer reported that it was essential that the wording of all the Council's Codes and Protocols were up to date with its current policy and the legal position. Therefore, it was suggested that the role of Members was updated in order to ensure consistency with Article 2 of the Constitution and that the position of the Chief Executive, as set out in Article 12, was included due to its importance in relation to staffing matters.

An express 'principle' had also been included stating that any appropriate challenges between Members and Officers must be undertaken in a professional and respectful manner.

In addition, a new paragraph 5.3 (as detailed below) was proposed for inclusion under the Access to Information section referring to the common law principle that councillors had the right to access information held by the Council where it was reasonably necessary to enable the Member to properly perform their duties as a councillor. In some instances, it might be necessary for a councillor to demonstrate their 'need to know' and the paragraph provided some explanation on the principle and set out who can request further justification before providing the information.

"5.3 Members are entitled to receive information from Officers in a timely manner to reasonable requests for the purposes of undertaking their role as Ward Councillors, decision makers and performing functions, such as overview and scrutiny (this is referred to as the common law 'need to know' principle). Under common law principles councillors have the right to access information held by their authority where it is reasonably necessary to enable the member to properly perform their duties as a councillor.

However, if the Member's motive for seeing documents is indirect, improper or ulterior this may be raised as a bar to their entitlement. Members are not, therefore, allowed to go off on 'fishing expedition' through their Council's documents. If a councillor is a member of a particular committee or sub-committee, then they have the right to inspect documents relating to the business of that committee or sub-committee. If not a member of that committee or sub-committee, the councillor would have to show good cause why

sight of them is necessary to perform their duties (See R v. Clerk to Lancashire Police Committee ex parte Hook [1980] Q.B. 603). In such instances, the Chief Executive, Management Team, Section 151 or Monitoring Officers may request a Member to demonstrate their 'need to know'."

The Monitoring Officer advised the Committee that, in a few instances, unreasonable, frivolous and vexatious requests for information were received and the revised Protocol suggested that those matters would be referred to the Chief Executive or the Monitoring Officer to respond to.

Subject to any additional observations the Standards Committee might have in undertaking its review of the Protocol at the meeting, the Monitoring Officer was therefore recommending that the revised protocol as set at Appendix A to her report be approved and adopted for inclusion with the Council's Constitution and circulated separately to all Members and Senior Managers.

Members of the Committee asked questions of the Monitoring Officer as to whether the same protocol applied when dealing with Town and Parish Councils and the Monitoring Officer confirmed that this Protocol was simply between District Councillors and Officers. It was noted that there was a protocol between Town and Parish Councils and the District Council and if Members were minded, the Committee could review this at a later date.

The Monitoring Officer was asked whether one way of avoiding the "need to know" principle would be by submitting a Freedom of Information request to obtain the information and the Monitoring Officer confirmed that this was one way, but that the Councillor would be treated as a member of the public and if any exemptions or exceptions applied to the information then these would be applied in the normal way.

Having considered the contents of the revised Protocol and the advice of the Monitoring Officer:-

It was moved by Councillor Heaney, seconded by Councillor Nicholls and:-

RESOLVED that the revised Protocol on Member/Officer Relations, as set out in Appendix A to item A.1 of the Report of the Monitoring Officer, be approved and adopted.

33. **DISCUSSION TOPICS AND/OR UPDATES FROM THE MONITORING OFFICER**

Quarterly Complaints Update

The Monitoring Officer circulated to the Committee the quarterly schedule, which gave general details of complaints received, without providing any names, and went through them with the Committee.

In relation to the first item of the schedule, the Committee requested the Monitoring Officer to write again to the Parish Council to reiterate the offer of training for the Parish Council's Members.

The Monitoring Officer also referred to Part 4 of Annex E of the Standards Complaints Investigation Procedure and explained that at the present time the report that the

investigator produces does not have to include comments on all of the issues complained of, if for example, the investigator finds only one issue proven. If Members agree that Annex E needs to be amended to reflect this then this will need to go to Council for approval as Annex E is part of the Council's Constitution.

It was therefore moved by Councillor Honeywood, seconded by Councillor Nicholls and:

RESOLVED that the revision to Annex E of the Standards Complaints Investigation Procedure be referred to Council.

General Notes – Matters arising through March to July 2018

Requests for Dispensations

The Committee was advised that no requests for dispensations had been submitted to the Monitoring Officer since the last update to Members.

The meeting was declared closed at 10.40 am

Chairman

STANDARDS COMMITTEE

3 OCTOBER 2018

JOINT REPORT OF HEAD OF LEADERSHIP SUPPORT AND COMMUNITY AND HEAD OF LEGAL AND GOVERNANCE SERVICES & MONITORING OFFICER

A.1 **INDEPENDENT REMUNERATION PANEL AND INDEPENDENT PERSONS RECRUITMENT**

(Report prepared by Karen Neath and Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable the Committee to comment on the proposed Independent Remuneration Panel and Independent Persons recruitment pack and to approve membership and delegations of the Interview Panel for recommending to Council appointment of the successful candidates.

EXECUTIVE SUMMARY

Current Position

- At the meeting on 25 November 2014, Council agreed the appointment of Mr John Wolton, Mrs Clarissa Gosling and Rev Dr William Lock as the Council's Independent Remuneration Panel for the purposes of making recommendations to Council on members' allowances.
- Mr Wolton and Mrs Gosling were also confirmed as the Council's Independent Persons for the purposes of standard's arrangements.
- All appointments are in place until Annual Council in 2019.
- Therefore, arrangements to appoint a new Independent Remuneration Panel and new Independent Persons need to be undertaken in time to make new formal appointments at Annual Council in May 2019.

Recruitment and alternative options

- In October last year, a request was made to all other Essex authorities to ask if any were interested in sharing an Independent Remuneration Panel. No responses were received. It is therefore proposed that a local recruitment process should take place.
- With regard to Independent Persons for standard's arrangements, a pool of Independent Persons are available through the Public Law Partnership (covering Essex, Hertfordshire and Suffolk) that can be called on by any authority (these will require formal appointment). These arrangements are considered appropriate to use where capacity or conflicts of interest are an issue however, it is still considered prudent for Tendring to recruit and appoint our own Independent Persons.
- It is proposed that the recruitment process follows that used for recruitment in 2014, namely:-
 - That three people are appointed to serve as both the Independent Remuneration Panel and Independent Persons;
 - That an allowance of £600 per annum continues to be paid to each person;
 - That a Recruitment Pack be produced incorporating comments from the

Standards Committee;

- That the posts be advertised locally;
- That interviews be undertaken by a Joint Member / Officer panel;
- That the recommended appointments by the Panel be submitted directly to Full Council for approval.

Statutory Requirements

- Section 28(6) and (7) of the Localism Act 2011 requires the Council to appoint at least one Independent Person to work with the Monitoring Officer within the Standards Framework.
- Section 20 of The Local Authorities (Members' Allowances) England Regulations 2003 requires that an Independent Remuneration Panel shall be established in respect of each authority and that the Panel shall consist of at least three people.
- In the Council's Constitution, the advertisement of vacancies of Independent Person(s) and the Independent Remuneration Panel, the review of applications received; the interview of suitable candidates and the making of recommendations to Council as to who should be appointed are delegated to the Chief Executive or Monitoring Officer. However, as both of these independent roles do have strong engagement with Councillors it is considered appropriate that the Committee is involved in the recruitment process.

RECOMMENDATION(S)

It is recommended that:-

- (a) The Standards Committee endorses the Independent Remuneration Panel / Independent Persons Recruitment Pack.**
- (b) Membership of the Interview Panel will consist of three members of the Standards Committee (to be agreed at the meeting) together with the Head of Leadership Support and Community and Head of Legal and Governance and Monitoring Officer.**
- (c) Authority is delegated to the Panel to make recommendations to Council regarding the appointment of the Independent Remuneration Panel / Independent Persons and any related matters.**

APPENDICES

Appendix A – Independent Remuneration Panel / Independent Person Recruitment Pack



TENDRING DISTRICT COUNCIL

**STANDARDS COMMITTEE
INDEPENDENT
PERSONS**

AND

**INDEPENDENT REMUNERATION
PANEL MEMBER**

**INFORMATION AND
APPLICATION PACK**

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A MESSAGE FROM THE CHIEF EXECUTIVE

Thank you very much for expressing an interest in this dual role of an Independent Person on the Council's Standards Committee and an Independent Remuneration Panel member.

In this information and application pack you will find out more about the Standards Committee and the arrangements for determining Members' allowances and what might be expected of you should you become an Independent Person and Independent Remuneration Panel member. You will also find a short application form, 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. Similarly, it is important that the electorate have confidence in the process for determining the payment of allowances to Members. Bringing in independent people to be part of these arrangements helps to build confidence within the community that the Council is doing its best in both these areas.

In both areas 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 selected people have the profile and experience that the community would respect in bringing an independent and informed perspective to the standards and Members' allowances processes.

Thank you once again for your interest.

Ian Davidson

Chief Executive

APPOINTMENT OF INDEPENDENT PERSON AND INDEPENDENT REMUNERATION PANEL MEMBER

SELECTION TIMETABLE AND HOW TO APPLY

The timetable

The closing date for receipt of applications is 26th October 2018.

Short-listing is scheduled for later that week and interviews will take place on the afternoon of 12th November 2018.

Candidates will be interviewed by a Panel of three Councillors from the Council's Standards Committee and two officers. The final appointments will be made by full Council at its meeting on 27th November 2018.

All applications will be assessed against the selection criteria outlined in the application form and 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 For questions about the role of Independent Remuneration Panel member please contact the Head of Leadership Support and Community, Karen Neath on 01255 686520 or email kneath@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 either post the completed form to:

Martin Klaassen
Senior Governance Officer
Tendring District Council
Town Hall
Station Road
Clacton-on-Sea
Essex
CO15 1SE

or email it to standards@tendringdc.gov.uk

TENDRING DISTRICT COUNCIL

The Council is currently composed of 60 elected Councillors but will reduce to 48 at the next District Council elections which will take place in May 2019.

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

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 the Tendring District Association of Local Council (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 someone who has stood for office within the last 5 years, or officer of the Council or of one of the Town or Parish Councils in the District; or
- Is, or has been within the past 5 years, a relative, or close friend, of a member, co-opted member with voting rights, or someone who has stood for office within the last 5 years, 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 to the dual role of Independent Persons and Independent Remuneration Panel member 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 through a Press release, using local and regional media and 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 two Officers will be 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?

The applicant would ideally live or work in the Counties of Essex or Suffolk to have an understanding of the area and some of the issues facing it. Applicant will want to have a desire to serve the public interest, and the local community, to uphold local democracy and be ambassadors for impartiality; supporting the Council's goals of being accountable, open, principled and committed to equal 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?

An allowance of £600 per annum will be paid for the dual role of Independent Person and Independent Remuneration Panel member.

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 two IPs are appointed due to a vacancy, 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 they:
 - (a) Act in accordance with –
 - (i) any relevant legislation or guidance and the respective Council's Members' Code of Conduct in force at that time; and
 - (ii) the agreed processes/procedures approved by the District Council's Standards Committee and Constitution;
 - (b) Act impartially at all times, without political bias or prejudice and in accordance with the rules of natural justice;
 - (c) Maintain confidentiality at all times; and
 - (d) Conduct themselves in accordance with the principles of high standards of conduct expected when acting in public life.

6. The IP role is consultative at various stages of the process, in accordance with the Complaints Procedure and the 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. The Committee or Sub-Committee may invite comments from the IP on any reports before them, at the discretion of the Chairman.
8. 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.
9. 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's 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 in some circumstances, it may be appropriate for the Committee or Sub-Committee to do this directly.
10. Whilst conducting hearings, if the Standards Committee or Sub-Committee meetings are adjourned for members' deliberations, an IP may be invited into these deliberations and invited to comment.
11. 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.
12. Whilst the MO will have regard to the views expressed by the IP, they are not bound to accept their views on the matter.
13. When deciding on how to progress with a complaint, the MO and IP should consider the conduct complaints assessment criteria contained within the procedure.
14. 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 with the matter.
15. If both 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.
16. All contact with the IP should be made through the MO and should the IP be contacted directly by a complainant or Member, they should inform the MO immediately.
17. 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.

18. 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.
19. On those occasions when the IP knows that they will not be contactable, they must inform the MO with as much reasonable notice as possible.
20. 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.
21. When discussing the complaint with the complainant or the Member subject of the complaint, the IP's role is not to give views on the merits of the complaint or the evidence in support but to give advice and reassurance on the process.
22. In each complaint, when necessary;
 - (a) one IP will be selected by the MO for initial consultation and if required, available to the Standards Committee or Sub-Committee for consultation as part of the Complaints Procedure and in accordance with the Localism Act 2011; and
 - (b) if requested by a party, the other IP will be made available to the Complainant or to the Member subject of the complaint – see paragraph 20 above.
23. The MO will allocate the roles between the IPs on a case by case basis. Should less than 2 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 22 (a & b).
24. The MO will ensure that the IPs are kept up to date with changes in legislation, national guidance or good practice.
25. The MO will update the IPs on progress of the cases on a bi-monthly basis.

(Note: "Member" is an alternative reference to "Councillor")

INDEPENDENT REMUNERATION PANEL MEMBER: SPECIFICATION

How has this role come about?

Under Part 4 of The Local Authorities (Members' Allowances) (England) Regulations 2003, the Council must have regard to the recommendations of an Independent Remuneration Panel (IRP) before it determines a scheme of Members' Allowances.

Tendring District Council has decided to appoint three members of the IRP, which is the minimum allowable.

What is the role of an Independent Person?

All Members receive a Basic Allowance with additional Special Responsibility Allowances paid for certain other duties. The current schedule of Member's Allowances is set out on the Council's website:

<https://tdcdemocracy.tendringdc.gov.uk/mgGeneric.aspx?MD=mgmembersallowances>

The IRP's role is to make recommendations to the Full Council on the level of member allowances to be paid. In order to do this the IRP must assess the 'worth' of the respective member roles within the wider and overall Council political structure, taking account of changes it considers appropriate and relevant, without any preconceived result or directed outcome.

The Council is required to publicise the main recommendations of the IRP to ensure transparency and openness.

Following consideration of the panel's recommendations' the Council determines its Scheme of Member Allowances which then form part of the Council's constitution.

Who is eligible?

A person may only be considered for membership of the Council's Independent Remuneration Panel if he or she:

- Is not a Member of Tendring District Council;
- Is not a Member of a committee or sub-committee of Tendring District Council;
- Is not disqualified from being a Member of an authority;
- Is not a relative or close friend of a Member or employee of the Council

How long is the appointment?

This will be confirmed on appointment, but it is likely that the Council will appoint to the dual role of Independent Persons and IRP member 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 via the Council's website and through local and regional media. 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 2 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?

They will 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. The following would be an advantage:-

- Experience of similar work such as committee or other advisory activities.
- Making sound judgements based on the information and analysis available in a fair, independent and objective way.
- A questioning and assertive approach.
- Experience of reporting information in a structured and logical way to meet the needs and understanding of the intended audience.
- An understanding of how local government works.
- A positive commitment to high standards of conduct.

Is the position paid?

An allowance of £600 per annum will be paid for the dual role of Independent Person and Independent Remuneration Panel member.

How much time does it involve?

The workload of the Panel will vary. The total number of Councillors is reducing from the 2019 elections so there will likely to be needed an in depth review to establish the impact of this on Councillors' workload and, unless a scheme of indexation is agreed, a review will be required annually thereafter. The Panel will also be requested to consider relevant issues that may arise in the interim period.



APPLICATION FORM FOR ROLE OF INDEPENDENT PERSON AND INDEPENDENT REMUNERATION PANEL MEMBER

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:

**Martin Klaassen
Senior Governance Officer
Tendring District Council
Town Hall
Station Road
Clacton-on-Sea
Essex CO15 1SE**

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