

# **Appointment of Independent Persons**

## **Recruitment Pack**

1. Advertisement
2. Background Information
3. Role Profile including role description, person specification and Eligibility Criteria
4. Application form

August 2022

## Appointment of Independent Persons

Derbyshire Dales District Council actively promotes and maintains high standards of conduct for 39 district councillors and 495 town and parish Councillors across the district. We are now looking to appoint up to three Independent Persons to help us continue this work.

The role of the Independent Person interesting and varied and involves being consulted on action to be taken following receipt of new allegations of misconduct and before the Council makes a decision following an investigation. Independent Persons would also have a role if the Council was to consider dismissing one of its three statutory officers.

The Independent Person will:

- be a person in whose impartiality and integrity the public can have confidence;
- understand and comply with confidentiality requirements;
- able to make reasoned judgements based on evidence;
- have a demonstrable interest in local issues;
- have an awareness of the importance of ethical behaviour;
- Be a good communicator.

For further details, including an information pack and eligibility criteria, please visit the Council's website, email [memberservices@derbyshiredales.gov.uk](mailto:memberservices@derbyshiredales.gov.uk) or Tel. 01629 761133.

The post is not salaried but a small payment is made in respect of time spent on a complaint and travel costs are reimbursed.

The closing date for applications is 18 September 2022.

Thank you for considering applying to the Council to be an Independent Person. Here is some more information about the role. An application form is at the end of the pack.

## **Background Information**

Derbyshire Dales District Council was established under the Local Government Act 1972 when it was known as West Derbyshire District Council. Its current corporate objectives are:

- To provide a high quality customer experience
- To keep the Derbyshire Dales Clean, Green and Safe
- To support better homes and jobs

Its elected Members have a pivotal role in bringing about these improvements to the quality of life of people living in the District. They do this by making decisions, delivering change, challenging and scrutinising proposed actions and taking up issues raised with them by their constituents

The Council currently has 39 councillors representing 25 wards. At the May 2023 elections the size of the Council will be reduced to 34 councillors representing 21 wards. The District is also fully parished which means that if all positions are filled there are 495 Parish and Town Councillors.

The Localism Act 2011 (“the Act”) requires the Council to promote and maintain high standards of conduct by Members and Co-opted Members of the Council. The Council has adopted a Members’ Code of Conduct which reflects the Nolan Principles of Public Life as required by the Act. The Nolan Principles are Selflessness; Integrity; Objectivity; Accountability; Openness; Honesty and Leadership. The Act established a new, lighter touch, standards system for councils, but one which still requires robust and objective application. On appointment District, Town and Parish Councillors commit to comply with the Code.

## **Governance and Resources Committee**

The Council’s Governance and Resources Committee has specific responsibility for promoting and maintaining high standards of conduct amongst Councillors. This includes involvement in the process for dealing with allegations that a Councillor has breached the Code of Conduct.

The Independent Person does not have a seat on the Committee, but may be invited to give views at appropriate stages of the complaints process.

## **Arrangements for dealing with allegations of breaches of the Members' Code of Conduct**

The Council has adopted formal arrangements for dealing with allegations of breaches of the Members' Code of Conduct. These provide for the appointment of at least one Independent Person. The views of the Independent Person may be sought by a Councillor against whom an allegation has been made. Their views must be sought by the Council before it takes a decision on an allegation which it has decided warrants an investigation and their view can be sought by the Council at any other stage.

The views of the Independent Person will usually be sought by the Monitoring Officer by e-mail or video conferencing, but occasionally contact may be by telephone, post or through face to face meetings. Which Independent Person is contacted will be at the Monitoring Officer's (or their deputy's) discretion, but attempts are made to ensure a balance between use of each Independent Person where possible. [View our code of conduct and the procedures for dealing with alleged breaches.](#)

### **Other Councils**

There are currently 71 parish councils within the Derbyshire Dales.

Each parish council is responsible for adopting its own code of conduct which accords with the Nolan Principles. The District Council is responsible for dealing with allegations that parish councillors have broken their parish council's Members' Code of Conduct. The Arrangements adopted by the Council therefore also apply to Parish and Town Councils within the District. So, you may be asked to give views on complaints about parish council members as well as district councillors.

Derbyshire County Council has its own code of conduct and its own independent persons, as do other district and borough councils in the locality. You will not, without your agreement, need to give views on code of conduct matters relating to these other authorities.

### **Other standards**

Standards are also relevant in terms of officer behaviour. In 2015 the government decided that Independent Persons should have an additional role. They are therefore involved in disciplinary matters that could lead to dismissal of an authority's statutory officer. At Derbyshire Dales the statutory officers are the head of paid service (the chief executive), the chief finance officer and the monitoring officer.

# Role of Independent Person

Responsible to: The Council

## **Duties and Responsibilities**

1. To assist the Council in promoting high standards of conduct by elected and co-opted members of Derbyshire Dales District Council and town and parish councillors.
2. To be consulted by the Council through the Monitoring Officer and/or the Governance & Resources Committee before it makes a decision on an investigated allegation and to be available to attend meetings of the Hearing Panel of the Standards Committee for this purpose.
3. To be available for consultation by the Monitoring Officer and/or the Standards 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 an elected member who is the subject of a standards complaint, including town and parish councillors,
5. To develop a sound understanding of the ethical framework as it operates within Derbyshire Dales District Council and its town and parish councils.
6. To participate in training events to develop skills, knowledge and experience and in networks developed for Independent Persons operating outside the District Council's area.
7. With at least one other Independent Person, as a panel, to be appointed consider any proposal that may lead to the authority dismissing a statutory officer and to make recommendations to full council.
8. To act as advocate and ambassador for the Council in promoting ethical behaviour.

## **Person Specification**

The Independent Person will have

- A keen interest in standards in public life
- A wish to serve the local community and uphold local democracy
- The ability to be objective, independent and impartial
- Leadership qualities, particularly in respect of exercising sound judgement

### **Essential criteria**

The Independent person will:

- Be a person in whose impartiality and integrity the public can have confidence
- Understand and comply with confidentiality requirements
- Have a demonstrable interest in local issues
- Have an awareness of the importance of ethical behaviours
- Be a good communicator

### **Desirable criteria**

- Understanding of judicial/quasi judicial or complaints processes
- Knowledge of local government or other public services
- Awareness of and sensitivity to the political process

## **Eligibility**

A person cannot be appointed as an Independent Person if they are or were within a period of 5 years prior to the appointment:

- (a) A member, co-opted member or officer of the authority
- (b) A member, co-opted member or officer of a parish council in the District Council's area, or
- (c) A relative or close friend of a person in (a) or (b)

A relative is defined as:

- (a) The candidate's spouse or civil partner;
- (b) Any person with whom the candidate is living as if they were spouses or civil partners;
- (c) The candidate's grandparent;

- (d) Any person who is a lineal descendent of the candidate's grandparent;
- (e) A parent, brother, sister or child of anyone in paragraphs (a) or (b);
- (f) The spouse or civil partner of anyone within paragraphs (c), (d) or (e); or
- (g) Any person living with a person within paragraphs (c), (d) or (e) as if they were spouse or civil partner to that person.

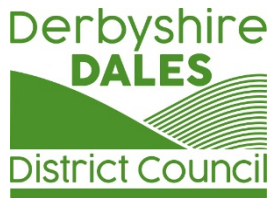
In addition, to ensure that the role is non-political and remains independent you should not be a member of any political party, or have/had a public profile in relation to political activities.

## Terms of Appointment

- Appointment will be on a fixed basis agreed by Full Council for a period of up to four years and may be extended at any time during that period.
- Appointment will be terminable by the Council at any time in the event of:
  - Incapacity;
  - Failure to comply with any training requirements;
  - Persistent failure to be available for consultation without good reason;
  - Failure to observe the standards reasonably expected from an Independent Person. In this context the Independent Person would be expected to refrain from any activity, political or otherwise, which would conflict with the impartial nature of the appointment;
  - The Council giving three months' written notice;
  - Any other reason/action which, in the view of the Council, is considered not to be commensurate with the expected standards from an Independent Person involved in the work of the Governance & Resources Committee and warrants termination.
- Additionally, the Independent Person may, by giving three months' written notice, resign the appointment at any time. The Independent Person may decline to accept any renewal of a term of appointment.
- The role of the Independent Person is unsalaried, but a sum of **£50 for up to 4 hours work, and £100 for 4 hours and over, up to a maximum of £500** per person per annum is payable in recognition of the role undertaken. This is in addition to reasonable expenses claimed for travel and subsistence when meetings have been attended. Otherwise, the work is entirely voluntary.
- In accordance with the Localism Act 2011, the appointment of the Independent Person has to be approved by a majority of the Members of the Full Council. As full council meetings are held approximately one every two months this can lead to some delay in the final decision on appointment.







## Application for the position of Independent Person

Please complete the sections below. All information provided will be treated in the strictest confidence and will only be used for the purpose of selection. Please feel free if you wish to expand upon your answer to any question outlined below.

### 1. Personal Details

Name:

Address:

Postcode

Contact Details:

Telephone number

Email address:

### 2. Qualifications

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

**3. Summary of 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 role as an Independent Person having regard to the selection criteria and role description).

**5. 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. Please provide any additional information you may wish to give in support of your application.**

**7. References will be taken up for applicants who are invited for interview.**

Name:

Name:

Address .....

Address .....

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Tel. No. ....

Tel No. ....

### **Eligibility**

I wish to apply to be an Independent Person and in submitting this application, certify that

- I am not and have not during the past five years been a Member or Officer of the District Council
- I am not related to, or a close friend of any Member or Officer of the District Council
- I am not currently an Officer or Member of any other relevant authority (this includes parish, district county and unitary councils and Police, Fire and National Park Authorities).

Signed ..... Date .....

Please return this application from by 18 September 2022 to

The Monitoring Officer  
Derbyshire Dales District Council  
Town Hall  
MATLOCK. DE4 3NN

Or email [memberservices@derbyshiredales.gov.uk](mailto:memberservices@derbyshiredales.gov.uk)