

STOCKTON-ON-TEES BOROUGH COUNCIL
("the Council")
INDEPENDENT PERSON UNDER SECTION 28(7) OF THE LOCALISM ACT 2011
("the Act")

ROLE DESCRIPTION

1. An Independent Person and two substitute Independent Persons will be appointed by the Council under Section 28(7) of the Act.
2. The Independent Persons will be responsible to the Council.
3. Under the Act, where an allegation has been made that one of the Council's Members, or one of the Members of the Parish Councils ("the Parish Councils") in the Council's administrative area, has breached the relevant Council's code of conduct and it has been decided to investigate the matter, the Independent Person will be consulted, and their views will be taken into account, before a decision is made on the allegation.
4. Where a member of the Council or of one of the Parish Councils is the subject of an allegation of breach of a code of conduct, the member may seek the views of the Independent Person.
5. The Council may also seek the views of the Independent Person about any other aspect of an allegation, whether or not it is decided to investigate. In that respect, the Council has also agreed that the views of the Independent Person will be sought as follows where:-
 - (i) the Monitoring Officer (or authorised representative) wishes to decide whether or not to take any action on an allegation of a breach of a code of conduct, including taking no action; seeking to resolve a matter informally and arranging an investigation; and where he wishes to exercise the discretion to refer a decision on whether or not to investigate a complaint to the Council's standards panel (a panel of elected members of the Council hereinafter called "the Panel").
 - (ii) an investigation finds no evidence of failure to comply with a code, and the Monitoring Officer (or authorised representative) wishes to close the matter, but with discretion to refer such a decision to the Panel.
 - (iii) an investigation finds evidence of a failure to comply with a code, and the Monitoring Officer (or authorised representative), wishes to seek a local resolution of the matter to the complainant's satisfaction, where appropriate, and where not appropriate or possible, to refer the investigation findings to the Panel.
 - (iv) the Panel wishes to take decisions in cases where a member is found as a result of a hearing to have failed to comply with the code of conduct.
6. Where the Monitoring Officer wishes to grant dispensations (to members with disclosable pecuniary interests) there is the discretion to refer any such request for determination by the Panel, and again this will be in consultation with the Independent Person, and also where the Panel is considering appeals against a refusal to grant a dispensation.

7. In addition, the Monitoring Officer (or authorised representative) may wish to consult the Independent Person about any other aspect of standards of conduct affecting members of the Council and of the Parish Councils.
8. It is envisaged that the views of the Independent Person will normally be sought by the Council (through the Monitoring Officer or authorised representative) in writing, either by letter or email, and that the Independent Person's response will usually be provided in the same way. However, advice may be sought by telephone or at a meeting.
9. Without prejudice to the preceding paragraph 7, Independent Persons should not give advice to members of the Council or of the Parish Councils in circumstances where no complaint about a member's conduct has been received. Where such advice is required, it should be sought by the members of the Council or of the Parish Councils from or via the Monitoring Officer, or his authorised representative.
10. Independent Persons are encouraged to familiarise themselves with the work of the Council and of its Parish Councils and with the procedures which they operate, and to attend meetings where this would be helpful in that regard. Independent Persons will be kept informed of key developments in relation to the Council and the Parish Councils, and will be invited to any Council or Cabinet meetings concerned with the general duty on the Council to promote and maintain high standards of conduct. Independent Persons have a freestanding remit to offer comment to the Council on its performance of this general duty.
11. Independent Persons will be supported by the Council's Monitoring Officer, who will arrange any necessary training and the provision of all information which may be necessary to enable the Independent Persons to perform their role effectively.

Independent Persons (“IP”)**Section 28(7) Localism Act 2011 (“the Act”)****Duties and Responsibilities****A. The Act**

1. Views must be sought from IP, and then taken into account, before a decision is made on a written allegation that it has been decided to investigate (Section 28(7)(a) of the Act).
2. Views of the IP may be sought (by or on behalf of the Authority) in relation to a written allegation in circumstances not within 1 above (Section 28(7)(b)(i) of the Act).
3. Views of IP may be sought by a member or co-opted member of the Council if that person’s behaviour is the subject of a written allegation (Section 28(7)(b)(ii) of the Act).
4. Views of IP may be sought by a member or co-opted member of a parish council within Stockton’s administrative area if that person’s behaviour is the subject of a written allegation (Section (7)(b)(ii) of the Act).

B. The Council

1. The Monitoring Officer or authorised representative (together the “MO”) will consult the IP before deciding whether or not to take any actions on a written allegation, including taking no action, seeking to resolve a matter informally, arranging an investigation or referring a decision whether or not to investigate to the Standards Panel (“the Panel”).
2. The MO will consult the IP where an investigation into a written allegation finds no evidence of failure to comply with the code of conduct, before deciding to close the matter or referring the decision whether to close the matter to the Panel.
3. The MO will consult the IP where an investigation into a written allegations finds evidence of failure to comply with the code of conduct, before seeking a local resolution of the matter to the complainants satisfaction, or referring the matter to the Panel.
4. The Panel will consult the IP before taking a decision on a written allegation, where an investigation has found evidence of failure to comply with the code of conduct.
5. The MO will consult the IP before granting a dispensation to a member(s) in relation to the member(s) disclosable pecuniary interest(s), or referring the decision to the Panel.
6. The Panel will consult the IP before it determines any dispensation request.
7. The Panel will consult the IP before it determines any appeal against a refusal to grant a dispensation.

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Selection Criteria

A candidate for the position of independent person (including a substitute) will ideally have:-

1. A broad range of experience, preferably in public, private, voluntary or charitable sector employment or service including self-employed, employed and voluntary positions.
2. Good analytical skills and be able to demonstrate clarity of thought. The ability to assimilate complex information and issues quickly and arrive at balanced judgments.
3. Demonstrable organisational skills.
4. Independence of mind, objectivity and impartiality.
5. A commitment to the general principles governing the conduct of Councillors generally and matters of probity and integrity in particular.
6. Good interpersonal skills, including good communication skills both written and oral and the ability to co-operate with others in a formal setting. Tact and diplomacy in handling sensitive matters.
7. In addition, Candidates should preferably live or work in the Borough or surrounding locality.

Desirable additional criteria are:-

8. Experience of dealing with matters relating to member conduct.
9. Working knowledge/experience of local government or some other aspects of the public service and/or of large, complex organisations at a senior level and substantial awareness and understanding of the political process.
10. Legal or judicial experience or expertise .
11. Knowledge/experience of local authority procedures.

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 assessment of application form and by interview

NOTE:

1. Meetings with Officers (e.g. the Monitoring Officer) Members and Complainants may need to be held at short notice and at any time during the working day, or early evening.
2. If you are required to attend a Standards Panel hearing, it will normally be held in the daytime, but occasionally may be held in the early evening and/or at short notice.
3. The successful appointees (full Independent Person and Substitute Independent Persons) will therefore need to be flexible in being able to attend such hearings and meetings, on occasion at short notice.

NOTE: ELIGIBILITY FOR APPOINTMENT

4. A person is not an Independent Person if the person is currently, or has been at any time during the 5 years ending with the appointment:-
 - (i) a member, co-opted member or officer of Stockton Council
 - (ii) a member, co-opted member or officer of a parish council within the Council's area, or
 - (iii) a relative, or close friend, of such a person.

A person ("R") is a relative of another 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) a spouse or civil partner of a person falling 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.

Persons who are not eligible to be Independent Persons as a result of any of the above should not apply.