



# Uttlesford District Council

Chief Executive: John Mitchell

## Independent Persons Appointment Panel

**Date:** Monday, 08 December 2014  
**Time:** 10:00  
**Venue:** Council Offices  
**Address:** Council offices, London Road, SaffronWalden, CB11 4ER

**Members:** Councillors G Barker, C Cant, M Lemon, D Jones, T Knight and Mrs Butcher – Doulton ( Independent person)

## AGENDA

- 1 Election of Chairman
- 2 Apologies for absence and declarations of interest.
- 3 Appointment of independent persons 3 - 22
- 4 Date of next meeting

**For information about this meeting**

Democratic Services Officer – Maggie Cox

Telephone: 01799 510369 Email: [committee@uttlesford.gov.uk](mailto:committee@uttlesford.gov.uk)

**General Enquiries**

Council Offices, London Road, Saffron Walden, CB11 4ER

Telephone: 01799 510510

Fax: 01799 510550

Email: [uconnect@uttlesford.gov.uk](mailto:uconnect@uttlesford.gov.uk)

Website: [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)

## Appointment of Independent Persons

Standards Appointment Sub-Committee, 8 December 2014

**Committee:** STANDARDS APPOINTMENT SUB-COMMITTEE

**Agenda Item**

**3**

**Date:** 8 December 2014

**Title:** APPOINTMENT OF INDEPENDENT PERSONS

**Author:** Michael Perry, Assistant Chief Executive Legal, 01799 510416

Item for decision

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### Summary

1. This report is to inform members of the requirements relating to the appointment of independent persons under the Localism Act 2011 and to seek members' views as to how best to recruit satisfactory candidates.

### Recommendations

2. That the group agree:-
  - a. a person specification
  - b. an advertising/recruitment strategy
  - c. a selection process

### Financial Implications

3. None arising from this report unless members decide to advertise in the local press in which case advertising fees will be incurred.

### Background Papers (attached)

4. Job description/person specification for independent members of the current standards committee
5. Application form for independent members of the current standards committee
6. Interview questions for independent members of the current standards committee

## Appointment of Independent Persons

Standards Appointment Sub-Committee, 8 December 2014

### Impact

7.

Communication/Consultation	None
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	The appointment of at least one independent person is essential to enable the council to fulfil its statutory functions with regard to standards
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

### Situation

8. Under the Localism Act 2011 local authorities are required to have in place arrangements to promote and maintain high standards of conduct on the part of their members. As part of this authorities are required to have a code of conduct and have in place arrangements whereby complaints of breaches of the Code of Conduct may be investigated. Authorities are required to appoint at least 1 independent person whose views must be sought and taken into account before reaching a decision on an allegation of a breach of the Code of Conduct which it has decided to investigate. The Council may seek the views of an independent person in other circumstances. The independent person must also be available for consultation by members of the district council and parish councils within the district who find themselves the subject of a complaint.
9. Although the statutory requirement is for a minimum of 1 independent person this Council has taken a view that there are potential conflicts of interest in the different roles to be performed by the independent person and has appointed 3. The legislation does not provide for independent persons to be members of the Standards Committee but of appointed to the Committee they may not be voting members.
10. As committee members the role of independent persons within this Council is enhanced from the statutory minimum in that they will be able to attend all meetings of the committee and express their views even though they cannot vote. The procedure for dealing with complaints also enhances the role of the independent persons as under our procedure the Monitoring Officer is to

## Appointment of Independent Persons

Standards Appointment Sub-Committee, 8 December 2014

consult with an independent person before deciding whether an allegation of a breach of the Code of Conduct should be investigated.

11. The Act does not contain any criteria as to who may be appointed but does contain disqualifications. The following are not eligible to be appointed:-

- a. A member, co-opted member (defined as someone who is not a member of the council but is a member of a committee with voting rights) or officer of the council
- b. A member, co-opted member or officer of any town or parish council within the district
- c. A relative or close friend of someone who falls within paragraphs a. or b. above
- d. Someone who within the 5 years preceding the date of appointment has fallen within paragraphs a. or b. above

12. One of the independent members of the Standards Committee has recently resigned having moved to another part of the country. Another has indicated that he will not be seeking re-appointment after the May 2015 election. The Council has therefore decided to recruit 2 additional independent persons now with a view to them gaining some experience before May 2015

## Risk Analysis

13.

Risk	Likelihood	Impact	Mitigating actions
The council does not have an independent person to meet its duties under the Localism Act 2011.	1, One of the independent persons has indicated she will accept reappointment	3, the council would suffer reputational damage if it was unable to deal with allegations of misconduct by members.	Recruit additional independent persons as soon as possible

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.



## **JOB DESCRIPTION**

### **For Members of the Standards Committee**

#### **Main Role**

1. To give the Council advice on adopting a local Code of Conduct.
2. To monitor the effectiveness of the Code.
3. To train Members on the Code or to arrange for such training.
4. To promote and maintain high standards of conduct for Members.
5. To help Members to follow the Code of Conduct.
6. To assist the Monitoring Officer to determine whether allegations of breaches of the Code of Conduct should be the subject of an investigation.
7. To be available to be consulted by Councillors who are subject to allegations that they have breached the Code of Conduct
8. To attend meetings of the Standards Committee on a regular basis.
9. To participate in hearings to consider allegations of a breach of the Code of Conduct; to determine whether or not there has been a breach and in the event of a breach to determine what sanction (if any) to impose.
10. To undertake the above referred to functions with regard to Town and Parish Councils within the District.

## **PERSON SPECIFICATION**

For independent representatives of the Standards Committee

### **Essential Requirements**

A person may be an independent representative on a Standards Committee only if he or she:

1. has not been a Member or employee of the Council within the five years immediately before the date of appointment.
2. is not a relative or close friend of a Member or employee of the Council.
3. is not a Member or Officer of any local authority.
4. is able to make objective judgements concerning allegations of misconduct against Council Members.
5. has a positive commitment to high standards of conduct in local government and to assist Council Members to work within the ethical framework.

### **Desirable Criteria**

1. Familiarity with ethical dilemmas.
2. Experience of Committee work.
3. Questioning skills.
4. An assertive nature
5. Not a member of any political party.
6. Experience of working in an advisory capacity.
7. Experience of working in a regulatory capacity or within such a framework.



**INTERVIEW QUESTIONS - POSITION: INDEPENDENT PERSON FOR THE STANDARDS COMMITTEE**

	<b>Question</b>	<b>Competency</b>	<b>Interviewer's Comments</b>	<b>Score</b>
1	Introductions			
2	Are there any significant changes in your circumstances since the date of your application?			
3	What are your reasons for wanting to become a member of Uttlesford District Council's Standards Committee?			
4	Can you expand on the information in your application form which indicates your experience in matters of probity and/or with an ethical dimension?			
5	Why do you think it is important for the Council to require these experiences from its independent persons?			

**INTERVIEW QUESTIONS - POSITION: INDEPENDENT PERSON FOR THE STANDARDS COMMITTEE**

	<b>Question</b>	<b>Competency</b>	<b>Interviewer's Comments</b>	<b>Score</b>
6	How do you see the role of the independent person on the Standards Committee?			
7	What skills and person qualities will you bring to the role and why are they important?			
8	Can you give examples of when you have had to deal with complex documents and quickly assimilate a range of information?			
9	Please tell us about your knowledge/experience of local government.			
10	Please give examples of where you have worked as part of a team. What was your role in the team?			

**INTERVIEW QUESTIONS - POSITION: INDEPENDENT PERSON FOR THE STANDARDS COMMITTEE**

	<b>Question</b>	<b>Competency</b>	<b>Interviewer's Comments</b>	<b>Score</b>
11	What experience do you have in exercising judgements in a fair and impartial manner?			
12	What experience do you have of dealing with confidential issues?			
13	What benefits should the Standards Committee bring to the Council?			
14	The job would involve meetings which may take place in the day or the evening; there will be required reading and training. Are you willing to commit yourself to this?			



Uttlesford District Council  
Council Offices  
London Road  
Saffron Walden  
Essex  
CB11 4ER



## Application for position of independent person under the Localism Act 2011

### Guidance notes on the completion of this form

1. This application form consists of 2 parts. We use the first part to monitor the Council's Equal Opportunities Policy and we will remove it before shortlisting.
2. The second part asks you about your education, training and employment history, and gives you the opportunity to provide information in support of your application.
3. Please complete all sections of the form. Please type or write your answers in **BLACK INK**. Use the final page if you need more space.
4. Do not enclose a C.V. Only include other material if we ask you to do so in the accompanying details. The selection panel will only consider information provided on this form, associated supplement or any continuation sheets.
5. Referees may be your current and/or previous employers and/or personal referees able to comment upon your suitability for the role.
6. If you have a disability we will make adjustments to the interview and working arrangements providing it is reasonable to do so, in accordance with the Disability Discrimination Act 1995. Please let us know if you need the application form in a different format, for example on audio-tape.

### EQUAL OPPORTUNITIES STATEMENT

The Council opposes all forms of discrimination on the grounds of colour, race, gender, nationality or national origin, marital status, disability, sexual orientation, age, religious belief or because they are living with HIV/AIDS or have a previous criminal conviction which is legally "spent" in respect of employment and service provision, unless an objective and/or lawful reason(s) prevail(s). Further details of the Council's Equal Opportunities Policy and service statements are available on request.

**EQUAL OPPORTUNITIES DATA – This sheet will be removed from your application form before shortlisting and we will only use it to help us monitor equal opportunities.**

### Position Independent Representative on the Standards Committee of the Council

Where did you see this vacancy advertised?

#### Gender and Marital Status

My gender is :-                      Female                          Male       

My marital status is :-            Married                          Unmarried

What is your age range      25 or under        
                                         26 – 45              
                                         46 – 55                  Page 13  
                                         56 or over

<b>Ethnic Origin</b>		(please tick one box only)
White:	British	<input type="checkbox"/>
	Irish	<input type="checkbox"/>
	Any other white background	<input type="checkbox"/> (please write in _____)
Mixed:	White and Black Caribbean	<input type="checkbox"/>
	White and Black African	<input type="checkbox"/>
	White and Asian	<input type="checkbox"/>
	Any other mixed background	<input type="checkbox"/> (please write in _____)
Asian or Asian British:	Indian	<input type="checkbox"/>
	Pakistani	<input type="checkbox"/>
	Bangladeshi	<input type="checkbox"/>
	Any other Asian background	<input type="checkbox"/> (please write in _____)
Black or Black British:	Caribbean	<input type="checkbox"/>
	African	<input type="checkbox"/>
	Any other African background	<input type="checkbox"/> (please write in _____)
Chinese or other ethnic group:	Chinese	<input type="checkbox"/>
	Other	<input type="checkbox"/> (please write in _____)

### **DEFINITION OF DISABILITY**

The Disability Discrimination Act 1995 defines a disability as: "A physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day to day activities". This includes impairments, lasting at least 12 months or likely to recur, to one or more of the following:

- |                                                             |                                                                                                   |
|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| • Mobility                                                  | • Manual dexterity                                                                                |
| • Physical co-ordination                                    | • Continence                                                                                      |
| • Ability to carry, lift or otherwise move everyday objects | • Perception of risk or danger                                                                    |
| • Memory or ability to concentrate, learn or understand     | • Speech, hearing or sight (not where sight is corrected by wearing spectacles or contact lenses) |

The term impairment includes progressive conditions. Some examples of impairments or long term conditions which could be considered as a disability under this definition are set out below. It is intended as a guide and is not an exhaustive list:

Heart/circulation complaints	Epilepsy	Crohn's Disease
Limited physical mobility	Arthritis	Severe allergies
Long term back/neck problems	Clinical depression	Impairment to hearing speech or sight
Upper limb disorders (eg RSI)	Diabetes	Schizophrenia
Multiple Sclerosis	Muscular Dystrophy	Manic depressive illness

### **Disability**

Do you consider yourself to have a disability in accordance with the Disability Discrimination Act 1995?

Yes  No

## APPLICATION FORM

Please read the guidance notes on the first page before completing this part.

- **Section 1 - Post details**

Post Title Independent Person
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- **Section 2 - Personal Details**

Title:  (Mr/Mrs/Ms/Miss)	Surname:  Previous Surnames:	Other names:
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Home Address:          Post Code:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">National Insurance No:</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="padding: 5px;">           Telephone numbers:            Home:            Work:            Mobile:            e-mail:            May we contact you at work? Yes / No         </td> </tr> </table>	National Insurance No:	Telephone numbers: Home: Work: Mobile: e-mail: May we contact you at work? Yes / No
National Insurance No:			
Telephone numbers: Home: Work: Mobile: e-mail: May we contact you at work? Yes / No			

- **Section 3 - Employment history**

<b>Current and previous employment (most recent first). Account for any breaks in your employment since you left school</b>				
Name & address of employer	Post held	from	to	Summary of Duties

(continue on final sheet if necessary)

Do you need a work permit to work in the UK? Yes <input type="checkbox"/> No <input type="checkbox"/>
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- Section 4 - Education and Training

<b>Secondary schools, colleges, university, etc attended</b>			
Name & address	from	to	Examinations passed
<p>(continue on final sheet if necessary)</p>			
<b>Other relevant training courses (within and outside work)</b>			
Course subject or title	from	to	Source or provider
<p>(continue on final sheet if necessary)</p>			
<p>Please give details of continuous skill/professional development. Please include details of additional qualifications gained and/or membership of professional associations</p>			



(continue on final sheet if necessary)

Are you able to travel to Saffron Walden  
And other locations within the District for  
the purpose of attending council or committee  
meetings?

Yes  No

- **Section 5 - Supporting information and comments**

Please provide any other information in support of your application, ensuring that you address all the requirements of the Person Specification in the order given. Give evidence of relevant examples from work or in a voluntary capacity.

Continue on a separate sheet if necessary

• **Section 6 – Criminal Convictions and Relationships**

Do you have any criminal convictions which are deemed unspent under the Rehabilitation of Offenders Act 1974? Yes  No

If yes, please give details :- (offence, date of conviction, outcome)

Previous surnames/other names known by:

Are you related to or a close friend of a Councillor or employee of Uttlesford District Council or any Parish or Town Council in the District?

Yes  No

If yes, please specify the relationship :-

*If you try to influence councillors or officers about this application we will disqualify you.*

Are you a member or officer of any local authority?

Yes  No

Have you been a Councillor or employee of Uttlesford District Council or of any Parish or Town Council in the District within the last 5 years?

Yes  No

If yes, please specify when :-

*If you have been a councillor or officer of Uttlesford District Council within 5 years before the proposed date of appointment to the Standards Committee you will not be eligible for appointment.*

• **Section 7 – References** Referees may be your current and/or previous employers and/or personal referees able to comment upon your suitability for the role.

Please give the names and addresses of two referees. We usually take up references on all shortlisted candidates before their interview.

<p>Name: Relationship: Address:</p>	<p>Name: Relationship: Address:</p>
<p>Tel:                      Fax: e-mail:</p>	<p>Tel:                      Fax: e-mail:</p>

**Data Protection Act 1998.** The Council is registered under the Data Protection Act 1998. Some or all of the above data may be held on a database or relevant filing system. Any data held will be fairly and lawfully managed and processed for relevant personnel purposes and we will ensure the details are adequate, relevant, accurate, confidential and secure. Any processing will comply with the regulations and afford you your rights under legislation.

By completing and signing this document we note you are giving permission for the data to be so used by Uttlesford District Council.

**Declaration**

I understand that Uttlesford District Council has a duty to protect the public funds it administers and may use the information I have given on this form to prevent and detect fraud. The Council may also share this information with other organisations that administer public funds, for these purposes. I confirm that to the best of my knowledge the information I have given above and in any document(s) I have sent with my application is correct.

Signature ..... Date .....

**Please use this page to continue**

**Section No**

**Comment**



