



LOCALISM ACT 2011: STANDARDS

**INDEPENDENT PERSON
RECRUITMENT PACK**

APPOINTMENT OF INDEPENDENT PERSONS

St Albans City and District Council invites applications from members of the public to serve as Independent Persons. Those appointed to the role will support the Council's Arrangements for dealing with any complaints that an elected or co-opted Councillor of the District Council or of a Town or Parish Council within the District may have breached their Council's Councillor Code of Conduct.

The appointment of the Independent Person is a decision of the full Council and appointments will be for a term ending on 20 July 2027.

The Localism Act 2011 places a duty on all local authorities to promote and maintain high standards of conduct for elected and co-opted Councillors. This includes the requirement to have a Code of Conduct with which Councillors must comply.

The Act also requires that local authorities adopt Arrangements for dealing with complaints about breaches of the Code of Conduct by Councillors of the Council. This must include provision for the appointment of at least one Independent Person.

The Council's Arrangements for dealing with complaints provide that the Independent Person will have the following roles:

- they will be consulted by the Monitoring Officer about any action that s/he proposes to take following receipt of an initial complaint that a Councillor or co-opted Councillor has failed to comply with the Council's Code of Conduct;
- they must be consulted before any finding is made as to whether a Councillor has failed to comply with the Code of Conduct following investigation or a decision is made on action to be taken in respect of that Councillor; and
- they may be consulted by a Councillor or co-opted Councillor of their appointing authority against whom a complaint has been made.

Independent Persons may also be invited to serve on a Panel convened to advise the Council should disciplinary action be proposed in respect of certain designated senior officer posts. This is explained more fully in the Appendix.

Selection Criteria

The essential qualities/criteria for selection for the position are that you should:

- Be over 18 years of age
- Have a commitment to public service
- Have personal integrity and a strong commitment to upholding high standards
- Be independent and impartial
- Be able critically to assess written and oral evidence to reach balanced and objective decisions
- Possess tact, diplomacy and good communication skills
- Demonstrate excellent listening, problem solving and evaluation skills
- Be reliable and committed
- Be someone who lives or works locally.

It would also be useful to have a working knowledge of how local government operates and an awareness of the role of elected Councillors.

It is important that you are independent of the Council by whom you are appointed. Pursuant to the Localism Act 2011, therefore, you must not:

- be or have been within the last five years, an elected or co-opted Councillor or an officer of the District Council or any Town or Parish Council within the District; or
- be a relative or close friend of a current elected or co-opted Councillor or officer of the District Council or any Town or Parish Council within the District.

Number of Appointments

The Council has agreed to appoint up to 3 Independent Persons. The Council appointed 2 Independent Persons last year and is looking to appoint a further Independent Person this year.

Term of Office

The Appointment will be for a term of office ending on 20 July 2027.

Removal from Office

The Council reserves the right to remove an Independent Person from his/her post if their independence is in anyway compromised, and/or they bring the reputation of the Council into disrepute.

Allowance and Expenses

The Independent Person will receive a small fixed allowance payment of £470 per annum plus reasonable travel expenses. This allowance is subject to periodic review.

Time Commitment

The time commitment will depend on the number of complaints received. There is likely to be a requirement to attend at least 1 evening meeting of the Council's Standards Committee.

Further information

The original report of the Council's then Monitoring Officer and Head of Legal, Democratic & Regulatory Services recommending the adoption of the Council's current Standards Arrangements can be viewed on the Council's website at this link:

<http://stalbans.moderngov.co.uk/documents/s50003545/Localism Act 2011 Standards.pdf>

The Council's Code of Conduct and Standards Arrangements can be viewed at these links:

<https://stalbans.moderngov.co.uk/documents/s50064205/05.1%20Councillors%20Code%20of%20Conduct.pdf>

<https://www.stalbans.gov.uk/councillors-mayorality-and-town-twinning>

The Council's Standards Arrangements apply to the 9 Town and Parish Councils in the District, details of which are on the Council's website at this link: [St Albans District Council - Parish councils](#)

Application

You should complete no more than the attached application form which will be acknowledged upon receipt. You are not required to submit a CV.

Applications should be sent to:

Charles Turner
Solicitor to the Council and Monitoring Officer
St Albans City & District Council
Civic Centre, St Peters Street
St Albans
Herts AL1 3JE

01727 819507

or emailed to charles.turner@stalbans.gov.uk

Closing Date

The closing date for applications is 9am on 19 June 2023.

Selection

Short listing for interview will be based upon an assessment of how you meet the essential qualities/criteria for selection mentioned above and will be evaluated on the basis of the application form. It is suggested, therefore, that you include information on how you consider you meet the criteria.

Selection will be through interview conducted by a Selection Committee made up of elected Councillors of the District Council. The decision to appoint following recommendation by the Selection Committee will be made by the full Council meeting on 12 July 2023 (which recommended candidates are not required to attend).

Role Description

- To give his/her views on any action that the Council's Monitoring Officer proposes to take following receipt of an initial complaint that a Councillor has failed to comply with the Council's Code of conduct
- To give his/her views on compliance with the relevant Council's Code of Conduct
- To give his/her views to the Standards Committee or any Hearing Panel, before a decision is taken, following investigation into alleged breaches of the Code of Conduct
- To give his/her views to the Standards Committee or any Hearing Panel or the Monitoring Officer about any other aspect of their consideration of, or decision on, an alleged breach of the Code where required
- To give his/her views where sought to Councillors if their behaviour is the subject of an allegation.

Training

You will receive training on the Council's Code of Conduct and the requirements of the role of Independent Person.

APPENDIX

An extract from the Officer Employment Procedure Rules within the Council's Constitution is set out below. This explains the possible involvement of Independent Persons in the event of the Council deciding at any time to take disciplinary action against any one of three designated senior officers.

"7. DISMISSAL OF HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCE OFFICER

- (a) None of the relevant officers may be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.
- (b) The Council shall invite relevant Independent Persons to be considered for appointment to a Panel, with a view to appointing at least two such persons to the Panel. "The Panel" means a committee appointed by the Council for the purposes of advising the Council on matters relating to the dismissal of relevant officers. The Council must appoint to the Panel such relevant Independent Persons who have accepted an invitation issued in accordance with the following priority order:
 - (i) a relevant Independent Person who has been appointed by the authority and who is a local government elector;
 - (ii) any other relevant Independent Person who has been appointed by the authority;
 - (iii) a relevant Independent Person who has been appointed by another authority or authorities.
- (c) The Council is not required to appoint more than two relevant Independent Persons to the Panel but it may do so. The Council must appoint the Panel at least 20 working days before the "relevant meeting", i.e. a meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant officer.
- (d) Before a vote has been taken at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular:
 - (a) any advice, views or recommendations of the Panel;
 - (b) the conclusions of any investigation into the proposed dismissal; and
 - (c) any representations from the relevant officer.
- (f) Any remuneration, allowances or fees paid by the Council to an Independent Person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that Independent Person in respect of their role as an Independent Person under section 28(7) of the Localism Act 2011."