



CESHIRE EAST BOROUGH COUNCIL

Localism Act 2011

Appointment of Independent Person

APPLICATION PACK

September 2015

Dear Applicant,

APPOINTMENT OF INDEPENDENT PERSON

Thank you for your expression of interest in the appointment to the Council of an Independent Person. I have pleasure in enclosing an application pack which sets out:

1. Background to Cheshire East Council
2. The Council's ethical governance arrangements
3. Applicant information: role description and role specification
4. Cheshire East Council: Members' Code of Conduct 2012
5. Application process and form

Section 28 of the Localism Act 2011 requires the Council to appoint at least one Independent Person to help it discharge its duty to promote and maintain high standards of conduct. You may find it useful to refer to this section of the Act which can be located on the website www.legislation.gov.uk.

Restrictions on Appointment

Certain individuals are restricted from applying for this position. You cannot be an Independent Person if you are:

- (a) A councillor, co-opted member or officer of Cheshire East Council;
- (b) A councillor, co-opted member or officer of a parish or town council which falls within Cheshire East; or
- (c) A relative or close friend of a person in (a) or (b) above.

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.

The appointment process will be undertaken by senior members of the Council. Interviews are expected to be held the week commencing **23 November 2015**. Final confirmation of the appointments will be made by Council on 17 December 2015. The successful applicant(s) will receive specific training to enable them to undertake their new role effectively.

May I point out that this is not a job vacancy, and should you be appointed as an Independent Person, you will not be an employee of the Council.

The closing date for receipt of applications is 5pm on Friday 6th November 2015.

If you require further assistance please contact my PA, Paula Randles on 01270 686 003 or via email paula.randles@cheshireeast.gov.uk.

Thank you again for your interest and I look forward to hearing from you.

Anita Bradley, Head of Legal Services and Monitoring Officer

Background

Cheshire East Council was established in April 2009 as part of the structural changes to local government in England. It brought together the boroughs of Macclesfield, Congleton and Crewe and Nantwich which, with part of Cheshire County Council, helped to form the third largest unitary authority in the North West with around 372,700 residents.

The Council is responsible for, amongst other things, maintaining the roads, providing transport services, commissioning school places and specialist support services for vulnerable children and their families, educating children, providing social care to elderly and vulnerable people and looking after waste and recycling.

Macclesfield and Crewe are our largest towns, followed by Wilmslow and Congleton. Smaller towns of Sandbach, Poynton, Nantwich, Middlewich, Knutsford and Alsager provide market centres for local people and play an important role in local life.

Putting Residents First

Providing a great public service in a radically changing world is something that we are passionate about in Cheshire East. Our promise of 'Putting Residents First' is at the centre of this and can only be delivered upon by its members and officers all consistently living our five core values (flexibility, innovation, responsibility, service, teamwork) which we believe underpin our success.

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

Standards of Conduct

The Localism Act 2011 introduced a new regime for Councils in promoting and maintaining high standards of conduct amongst Councillors and co-opted members, both at Borough and parish level. This included having in place a process for dealing with complaints made under the Council's Code of Conduct.

At Cheshire East Council, the code of conduct complaints function is carried out by the Monitoring Officer in consultation with the Independent Person; and the Audit and Governance Committee, through an ad hoc hearings sub-committee dealing with standards and conduct issues.

Allegations of Misconduct

Cheshire East Council is divided into 52 wards and is represented by 82 ward councillors.

Within the borough, there are one hundred and eight Town and Parish Councils; the members of which are expected to abide by their Council's Code of Conduct.

In accordance with the Localism Act, principal councils such as Cheshire East Council are required to deal with allegations that parish councillors are in breach of their codes of conduct. Complaints made against any member of a borough, town or parish council within Cheshire East may be dealt with by the hearings sub-committee, if they pass the initial assessment stage.

ETHICAL GOVERNANCE ARRANGEMENTS

Audit and Governance Committee

The Audit and Governance Committee is responsible for promoting high standards of ethical behaviour by developing, maintaining and monitoring the Code of Conduct for elected Members of the Council (including co-opted members and other persons acting in a similar capacity); ensuring that elected Members receive advice and guidance as appropriate on the Code of Conduct; and granting dispensations under the provisions of the Localism Act 2011 to enable a member or co-opted member to participate in a meeting of the authority.

The Complaints Process

When a code of conduct complaint is received by the Council, it is assessed initially by the Monitoring Officer, in consultation with the Independent Person so that a decision can be made as to what action should be taken. Meetings are held on an ad-hoc basis and may be held at a Council venue or via a telephone conference.

Hearing Sub Committee

The hearing sub-committee is a sub-committee of the Council's Audit and Governance Committee. It meets to consider complaints which the Monitoring Officer has referred for investigation, where the ensuing investigation has returned a finding of breach of the code.

It comprises 3 elected members drawn from a cross party panel of 15 members of the Council and an Independent Person is invited to attend all substantive meetings of the hearing sub-committee. His/her views are sought and taken into consideration before the hearing sub-committee takes any decision on whether the member's conduct constitutes a failure to comply with the code of conduct and are also taken into account when deciding what action, if any, is to be taken following a finding of breach of the code.

Independent Person

The Independent Person plays a key part in the complaints process. You will be consulted by the Council before it makes a finding as to whether a councillor or co-opted member has failed to comply with the code of conduct; and you may be consulted by the complainant and/or councillor or co-opted member against whom the complaint has been made. You may be expected to attend some meetings of the Audit and Governance Committee and substantive meetings the hearings sub-committee in fulfilling your role.

Frequency of Meetings

Initial assessment meetings and hearing sub committee meetings will be held as and when required to consider a complaint but will work within prescribed deadlines for responding to complaints, which may require meetings to be called at short notice or to be held by phone.

ROLE DESCRIPTION

Main duties and responsibilities

To undertake the statutory role of Independent Person appointed under Section 28(7) of the Localism Act 2011 and to help the Council discharge its duty to promote and maintain high standards of conduct amongst members and co-opted members by -

- ^ Providing your views to the Council and the Monitoring Officer in connection with the assessment and post-investigation stage of complaints against councillors and co-opted members.
- ^ Reading and digesting investigation reports into complaints against councillors and co-opted members.
- ^ Providing your views to the hearings sub-committee in connection with complaints and potential sanctions where a failure to comply with the code of conduct has been established.
- ^ Advising councillors and co-opted members of Cheshire East Council and of parish and town councils within Cheshire East in connection with complaints made against them under the code of conduct.

Dismissal of relevant officers

Under the Local Authorities (Standing Orders) (England) (Amendment) Regulations the Council must appoint a panel for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority; "*relevant officer*" means the chief finance officer, head of the authority's paid service (i.e. chief executive) or monitoring officer, as the case may be.

The authority must invite relevant independent persons appointed under the Localism Act 2011 to be considered for appointment to the panel, with a view to appointing at least two such persons to the panel. Therefore, it is anticipated that the successful candidate will be someone who is willing to participate in such a panel should the need arise.

Remuneration

Reasonable travel expenses will be paid and a meeting allowance of £30 can be claimed for attending initial assessment meetings (even if held via telephone), hearing sub committee meetings and Committee and panel meetings as stated above.

ROLE SPECIFICATION

Essential(E) /Desirable (D)

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|-----|--|---|
| 1. | Personal integrity | E |
| 2. | Experience of dealing with complaints | E |
| 3. | Commitment to confidentiality in appropriate circumstances | E |
| 4. | Ability to examine information critically and conduct the complaints process in a fair manner, including good questioning and listening skills | E |
| 5. | Ability to absorb key information from complex reports and make impartial and objective observations | E |
| 6. | Good written and oral communication skills | E |
| 7. | Ability to reach balanced and reasoned conclusions | E |
| 8. | Willingness to receive training | E |
| 9. | Ability to work with other Independent Persons, officers and elected members | E |
| 10. | Knowledge of local government and the role of elected members | D |
| 11. | Knowledge of rules of natural justice and human rights principles | D |
| 12. | Ability to demonstrate and promote a commitment to the Council's equality and diversity policies | D |
| 13. | Able to attend day-time meetings, sometimes at short notice | D |
| 14. | Contactable via e-mail | D |
| 15. | Not currently a member of any political party or have a public profile in relation to political activities | D |
| 16. | Will have disclosed and will agree to continue to disclose to the Council any matter in his/her background which, if it became public, might cause reputational harm to the Council and/or cause the Council to reconsider the appointment | D |
| 17. | Must not currently have and must not enter into any contractual relationship with the Council under which he/she will gain personally | D |
| 18. | Must live or work on the borough of Cheshire East | D |

CODE OF CONDUCT

Cheshire East Council adopted its Members' Code of Conduct on 19 July 2012, which is based on the Nolan principles of public life.

For information, a copy of the current code is included in the pack for information.

APPLICATION PROCESS

Closing Date

The closing date for receipt of applications is **5pm on Friday 6th November 2015.** .

Please submit your application form by post to:

Anita Bradley
Head of Legal Services and Monitoring Officer
Cheshire East Council
Westfields, Sandbach
c/o Municipal Buildings
Earle Street, Crewe
CW1 2BJ

Curriculum Vitae

Selection of candidates will be strictly in accordance with the role description and role specification outlined in this pack and will be based on the information contained in your application only, as supported by references.

Acknowledgements

Your application will be acknowledged and you will be advised as to whether you have been selected for interview or not in due course.

Selection

Short listing for this appointment will be based upon an assessment of how applicants meet the criteria in the 'Role Specification' as evidenced by the application. It is suggested therefore that you include information on how you meet the criteria.

The Interview Panel will be made up of senior members of the Council.

Referees

Please note that your 2 referees will be contacted without further notice to you, unless you indicate to the contrary.

APPLICATION FORM

A copy of the application form is included with this pack.