

INDEPENDENT PERSON - ROLE DESCRIPTION

Standards Panel

1. Stockton-On-Tees Borough Council is required under Section 28(7) of the Localism Act 2011 to appoint individuals to carry out the role of "Independent Person". The Council has a duty under that Act to promote and maintain high standards of conduct for its elected and co-opted members.

2. The statutory role of the Independent Person becomes engaged where the Council has received an allegation that one of its members has breached the Council's Code of Conduct for Members.

In those circumstances:

(a) if the Council decides to investigate the allegation, the Council **must** consult the Independent Person, and take their views into account, before making a decision on that allegation; and

(b) the Council **may** seek the views of the Independent Person about any other aspect of the allegation, whether or not it decides to investigate; and

(c) the member of the Council who is the subject of the allegation **may** also seek the views of the Independent Person at any time.

3. In practice when the Council receives a written allegation of a breach of the Code of Conduct, its Monitoring Officer will decide whether the complaint merits formal investigation or should be dealt with in some other way. The Monitoring Officer will consult the Independent Person at that stage, and will take into account any view the Independent Person may have before deciding how to proceed.

4. If a complaint has been investigated, the Independent Person will receive a copy of the investigation report from the Council and be asked for his or her view on it and any views s/he may have upon how the Council should determine the allegation. These views will then be taken into account in the final decision making process. The final decision will be made by the Standards Panel.

5. The views of the Independent Person may be sought by the Council at other stages in the process, for instance by the Monitoring Officer to assist in deciding how an allegation should be dealt with or resolved.

6. The Independent Person is expected to attend any hearing which is held by the Standards Panel to decide whether there has been a breach of the members' code of conduct. If it is decided at that hearing that there has been a breach, the Independent Person will be asked for his or her view as to what action, if any, should be taken as a result.

7. As part of the statutory role, the Independent Person will also be available for consultation by any Council member who is the subject of an alleged breach of the Code of Conduct. Such consultation may be sought at any time during the process and may be carried out by telephone, written correspondence (e mail or letter) or at a meeting (including at a final hearing before the Standards Panel).

(This advisory role to an individual Council member will only arise where the member is subject to an alleged breach of the relevant code of conduct. An Independent Person will not be expected – and should decline - to give advice to Council members in any other

circumstances. Where such advice is required, Council members will be expected to seek it from the Monitoring Officer or some other appropriate Council officer).

8. In addition to the above statutory role, the Independent Person may from time to time be asked by the Standards Panel or the Council's Monitoring Officer for his or her views about other aspects of its work, for instance the suitability of the Council's Code of Conduct or the procedures which the Committee adopts for the handling of any allegations of member misconduct. The Independent Person will be invited to attend all meetings of the Standards Panel for this purpose.

9. An Independent Person will be encouraged to acquire some understanding of the work of the Council and how it operates. Support will be provided by the Council's Monitoring Officer, who will arrange any necessary training and the provision of such information which is considered necessary to enable the Independent Person to perform the role properly.

Investigation and Disciplinary Panel

1. The Independent Person will be required to assist the Authority in relation to its procedures relating to the discipline and (where necessary) dismissal of those employees of the Authority who hold the respective roles of Head of Paid Service, the Monitoring Officer and the Chief Finance Officer (the Statutory Officers).

2. In these circumstances the Independent Person will be responsible for providing advice to Full Council on matters relating to a proposal to dismiss a Statutory Officer. Appropriate advice and support will be provided to the Independent Person in discharging this specific aspect of their role should the need ever arise for them to fulfil it.

INDEPENDENT PERSON - PERSON SPECIFICATION ATTRIBUTES	ESSENTIAL	DESIRABLE
Knowledge	<ul style="list-style-type: none"> • Be prepared to undertake formal training in the role 	<ul style="list-style-type: none"> • Knowledge of the roles and responsibilities of councillors at principal council (parish council level if appropriate) • Understanding of the diverse functions of a principal council, contemporary issues and challenges facing local government • Awareness of the Standards Regime
Experience and skills	<p>The post holder must</p> <ul style="list-style-type: none"> • Have personal integrity and act independently • Be fair and able to take an objective view of sometimes emotive issues • Have an ability to act impartially • Be able to exercise sound judgement • Have excellent inter-personal skills • Be able to express their ideas and point of view effectively, while being an excellent listener 	<ul style="list-style-type: none"> • Experience of acting as an independent co-opted member of a local authority Standards Panel
Character	<ul style="list-style-type: none"> • Be willing to adhere to the Council's Code of Conduct for Members • Discreet 	<ul style="list-style-type: none"> • Be committed to public services and the principles of accountability, probity and openness

Circumstances	<p>The post holder must not</p> <ul style="list-style-type: none">• have been a Councillor, Co-opted Member or Employee of the Authority within the last 5 years• be in a position of management, control or major decision-making capacity within any voluntary or community organisation funded by the Authority• be related to, or be a close friend of, a Member or co-opted Member or officer of the Authority	
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