



# **COUNCIL OF THE ISLES OF SCILLY**

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**APPLICATION PACK FOR**

**APPOINTMENT OF**

**INDEPENDENT PERSONS**

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# COUNCIL OF THE ISLES OF SCILLY

## STANDARDS OF CONDUCT

### APPOINTMENT OF INDEPENDENT PERSON

The Council of the Isles of Scilly is looking to appoint an Independent Person or Persons pursuant to the provisions of the Localism Act 2011 to assist in the promotion and maintenance of high standards of conduct amongst its councillors and co-opted members, and to support arrangements for investigating standards issues within the Council.

The Localism Act 2011 creates a duty on all Councils to promote and maintain high standards of conduct for elected and co-opted Members. The Council of the Isles of Scilly, in accordance with this duty, maintains a code of conduct to which all elected and co-opted members must comply, together with arrangements and procedures for the investigation of any complaints that the code has been breached.

The Independent Person(s) will be consulted on, and required to provide opinions and advice in respect of, standards complaints that are under investigation, and will be required to meet with and discuss issues of a sensitive nature both with potential complainants and councillors who are subject to an allegation of breach of conduct. You will need to be politically neutral, tactful, have good interpersonal and analytical skills and be able to consider complex information.

As an Independent Person, you will be appointed until September 2018 and receive any travel and subsistence expenses.

For further details please contact either

Sue Pritchard - Senior Officer: Democratic and Licensing  
Email: [spritchard@scilly.gov.uk](mailto:spritchard@scilly.gov.uk)

Council of the Isles of Scilly  
St Mary's  
Isles of Scilly  
TR21 0LW

Tel: 01720 424015  
Website: [www.scilly.gov.uk](http://www.scilly.gov.uk)

The closing date for applications is Friday 16 September 2016. Interviews will be held at the end of September, beginning of October 2016

## **Independent Person – Background Information**

The Localism Act 2011 introduced a new ethical framework for local government, and the way that the Council of the Isles of Scilly deals with conduct complaints about its elected members and co-opted members in its area has changed to reflect this framework.

In accordance with the ethical framework the Council is now responsible for deciding how to deal with standards issues at a local level including adopting its own local code of conduct for members and determining what arrangements it will put in place to deal with complaints. The new system is overseen by a Standards Committee and its terms of reference are included in this pack.

These statutory provisions came into effect on 1<sup>st</sup> July 2012 and the Council agreed its new arrangements, relating to the members code of conduct, and the procedure for the assessment and determination of complaints at a meeting of the Council on 28<sup>th</sup> June 2012.

Complaints and allegations of misconduct by members under the Code of Conduct must now be submitted to the Monitoring Officer of the Council or its agreed nominee. They will decide whether or not a complaint should be investigated or some other action taken. If an investigation takes place, it will be for the Monitoring Officer to determine whether or not a member has failed to follow the Code of Conduct and, if so, the Standards Committee will determine what action should be taken.

The Act states that the Independent Person will have the following functions in relation to dealing with standards issues:

- They must be consulted by the Monitoring Officer or their nominee before a finding is made as to whether a member has failed, following an investigation, to comply with the Code of Conduct; and
- They may be consulted by the Monitoring Officer in respect of a standards complaint at any other stage; and
- They may be consulted by a member or co-opted member of the Council against whom a complaint has been made.

The Act provides that the Council must appoint an Independent Person to assist in discharging these responsibilities.

Full details of the role and responsibilities of the Independent Person are included in this pack, together with eligibility and selection criteria.

It is intended to appoint more than one Independent Person in order to create a pool of selection.

If you choose to apply, please complete the application form included in this pack. You should demonstrate in your application how you meet the eligibility selection criteria as this will assist the short-listing process. The closing date for applications is Friday 16 September 2016.

Means of assessment will be by application form and by interviews which will be held at the end of September, beginning of October 2016. Please confirm your availability during that period.

## **Independent Person – Eligibility and Selection Criteria**

In order to be appointed as an Independent Person there are specific eligibility criteria that must be met in accordance with section 28(8) of the Localism Act 2011.

### **Eligibility for Appointment**

You **will not be eligible** if the following conditions apply;

1. Within the last 5 years you have been an elected or co-opted member or an officer of the Council;
2. You are a relative or a close friend of a current elected or co-opted member or officer of the Council.

However, notwithstanding this restriction, a person may be appointed as the Independent Person if they:

- (a) were not a member or co-opted member of our standards committee on 1st July 2012; but
- (b) have held such a post at any time during the 5 years ending on 30th June 2012.

“Relative” for the purpose of these eligibility criteria is defined in the Localism Act 2011, and copies of the relevant provisions are included in this application pack.

If you are unsure whether these restrictions might be relevant to you, or have any issue regarding eligibility please contact the Senior Officer: Democratic & Licensing for a further discussion.

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.

### **Skills and competencies**

The Independent Person will have:

- a keen interest in standards in public life;
- a wish to serve the local community and uphold local democracy;
- the ability to be objective, independent and impartial;
- sound decision making skills;
- leadership qualities, particularly in respect of exercising sound judgment
- the ability to critically assess written and oral evidence.

The Independent Person will:

- be a person in whose impartiality and integrity the public can have confidence;
- understand and comply with confidentiality requirements;
- have a demonstrable interest in local issues;
- have an awareness of the importance of ethical behaviours;
- be a good communicator and demonstrate excellent listening, problem solving and evaluation skills;
- be contactable at all times during normal working hours by telephone or by email;
- be available to attend hearings and other meetings which may be held in evenings or the day time and at relatively short notice.

Desirable additional criteria

In addition, it is desirable for the Independent Person to have:

- working knowledge/experience of local government or other public service and/or of large complex organisations and awareness of and sensitivity to the political process;
- working knowledge and understanding of judicial/quasi-judicial or complaints processes.

### **Independent Person – Role Description**

Responsible to: The Monitoring Officer and the Council

Liaison with: Monitoring Officer or agreed nominee, members of the Standards Committee, officers and members of the Council, complainants and key stakeholders within the community.

1. To assist the Council in promoting high standards of conduct by elected and co-opted members of the Council of the Isles of Scilly and in particular to uphold the Code of Conduct adopted by the Council and the seven principles of public office, namely selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
2. To be available for consultation by people who may wish to complain that there has been a breach of the Code of Conduct.
3. To be available for consultation by the Monitoring Officer, the agreed nominee and/or the Finance, Audit and Scrutiny Committee before a decision is taken as to whether to investigate a complaint or to seek local resolution of the same.
4. To be available for consultation by any elected or co-opted member of the Council of the Isles of Scilly who is the subject of a standards complaint.
5. To be consulted by the Council through the Monitoring Officer, the agreed nominee and/or the Standards Committee before it makes a decision on an investigated allegation and to be available to attend hearings and meetings of the Standards Committee for this purpose.
6. To analyse and exercise fair and impartial judgment and decision making on conduct issues.
7. To attend and participate, if required, in meetings, or committee and any sub-committee or associated meeting in an advisory capacity.
8. To develop a sound understanding of the ethical framework as it operates within the Council of the Isles of Scilly.
9. To participate in training events to develop skills, knowledge and experience and in networks developed for Independent Persons operating outside the Council's area.
10. To attend training events organised and promoted by the Council's Finance, Audit & Scrutiny Committee.
11. To act as advocate and ambassador for the Council in promoting ethical behaviour.
12. To undertake such other responsibilities as the Monitoring Officer considers reasonably necessary to fulfill the position.





CONFIDENTIAL

Ref:

STANDARDS COMMITTEE

**Independent Person - Application Form**

*(Please use block capitals)*

1. Surname				Title <i>(Mr, Mrs, Ms etc)</i>
2. Forename(s)				
3. Date of birth				
4. Place of birth				
5. Permanent home address	<hr/> <hr/> <hr/>			
6. Telephone No.	Home/Mob		Business	
7. Email address				
8. How long have you lived at this address				
9. If less than 5 years at this address, please give details of former address				

**10. Employment history for the last 10 years (most recent first) –include the *Name and address of employer, the Dates* you were employed and the *Position held and nature of responsibility***

**11. Reasons for applying**

*Please say why you are interested in becoming an Independent Person assisting the Standards of Council of the Isles of Scilly*

**12. Relevant skills and experience**

*Please say what skills, experience and qualities you would bring to the role of Independent Person*

**13. Employment commitments**

*Please confirm that your employer will release you to carry out the responsibility of an Independent Person for the Council of the Isles of Scilly (tick one box). This may involve attendance at daytime and evening meetings throughout the year, but this may vary depending on the workload of the role.*

YES  NO  NOT APPLICABLE

**14. Are you, or have you in the last five years been, an Elected or Co-opted Member, or an Officer of the Council?**

YES  NO

**15. Are you, or have you in the last five years been, an Elected or Co-opted Member of the Council's Standards Committee?**

YES  NO

**16. To your knowledge, are you a relative or a close friend of any existing Elected or Co-opted Member, or an Officer of the Council?**

YES  NO

*(note: "relative" for these purposes is defined in the Localism Act 2011. Please contact us if you are unsure whether this restriction might be relevant to you.)*

**17. Have you, in the last five years, been actively involved in local party political activity?**

YES  NO

**18. Please sign and date this form**

*I declare that the information I have given is true and complete*

Signed .....

Date .....

**What to do now**

Please return the completed application form to the address below by **Noon on Friday 16 September 2016**

Sue Pritchard  
Council of the Isles of Scilly  
Town Hall  
St Mary's  
Isles of Scilly  
TR21 0LW

or by email to [spritchard@scilly.gov.uk](mailto:spritchard@scilly.gov.uk)

THANK YOU FOR COMPLETING AND RETURNING THIS FORM