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**BRENTWOOD BOROUGH COUNCIL**

**INDEPENDENT PERSONS INFORMATION AND APPLICATION PACK**

**2023**

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**A MESSAGE FROM THE HEAD OF PAID SERVICE**

Firstly, I would like to thank you very much for expressing an interest in becoming an Independent Person looking into issues around the Code of Conduct for members.

In this information and application pack you will find out more about the process involved and what might be expected of you should you become an Independent Person. You will also find a short application form, which I would be grateful if you could complete and return in the envelope supplied if you wish to apply for this important role.

The promotion and maintenance of the highest possible standards of behaviour in the work of the Council is of the greatest importance. Bringing in independent people to be part of our regulatory process helps to build confidence within the community that the Council is doing its best in this area.

Under the process approved by the Council the Independent Persons will be engaged in the assessment of complaints against Members of the Council, consulting with members on complaints raised and also providing decisions on those matters which are more serious. There will also be opportunities to shape the behaviour and values promoted by the Council.

We are looking for people who have an independent and analytical mind, are tactful and have good interpersonal skills, and can make clear and reasoned decisions. It is important that the Independent Persons have the profile and experience that the community would respect as bringing an independent and informed perspective to the conduct and values of Members.

Thank you once again for your interest.



Jonathan Stepheson

Chief Executive

**APPOINTMENT OF INDEPENDENT PERSON**

**SELECTION TIMETABLE AND HOW TO APPLY**

**The timetable**

The closing date for receipt of applications is Monday 17th April 2023.

Short-listing is scheduled for that week and interviews will take place week beginning 24th April 2023.

All applications will be assessed against the selection criteria outlined in the application form and Independent Person specification. Candidates who are invited for interview will be notified after the short-listing process has taken place. Contact is likely to be by email if an email address is provided by the applicant.

The final appointments will be made by Tuesday 9th May 2023 and ratified by the Council’s Annual Council on the 17th May 2012

If you have any questions about becoming an Independent Person, please contact Andrew Hunkin the Council’s Monitoring Officer, on 01277 312500 or email andrew.hunkin@brentwood.rochford.gov.uk

**How to apply**

Should you wish to apply for this position, please complete the application form and include a statement that you feel demonstrates how you meet the criteria and would be suitable for the role. Or alternatively visit [www.brentwood.gov.uk](http://www.brentwood.gov.uk) to apply online.

You should then send the completed form to:

Andrew Hunkin –Interim Director of People & Governance and Monitoring Officer

Brentwood Borough Council

Town Hall

Ingrave Road

Brentwood

Essex

CM15 8AY

or email it to: andrew.hunkin@brentwood.rochford.gov.uk

**BRENTWOOD BOROUGH COUNCIL**

The Council is composed of 37 elected Councillors with one third of councillors standing for election three years in every four. The Council is divided into 15 Wards; 8 are represented by three Members, 6 are represented by two Members and one Ward has a single representative.

The next Borough Council elections will take place In May 2023.

Councillors are democratically accountable to the residents of their Borough Ward and have an overriding duty to the whole community, including those persons who did not vote for them at election time.

There are also 9 Parish Councils and these are represented by elected Parish Councillors.

Further information can be found on the Council’s website at

www.brentwood.gov.uk

**PROCESS SURROUNDING THE CODE OF CONDUCT**

Under the terms of reference for the Members' Code the process will involve the three appointed Independent Persons in the following matters following their appointment:

## Promoting and maintaining high standards of conduct by Members of the Borough and Parish Council and co-opted members (with or without voting rights) of the authority or Parish and considering relevant issues to enable the Council to fulfil this role

## Advising and assisting Local (Parish) Council(s) and Councillors to maintain high standards of conduct and to make recommendation to Council on improving standards or actions following a finding of a failure by a Councillor to comply with the Code of Conduct

## Advising the Council and Local Councils on the adoption or revision of the Members’ Code of Conduct

## Advising the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council

## Receiving reports and assessing the operation and effectiveness of the Members’ Code of Conduct

## Receiving referrals from the Monitoring Officer into allegations of misconduct in accordance with the authority assessment criteria

## Assisting in determining complaints as appropriate about Borough and Local Councillors and co-opted members alleging a breach of the Member Code of Conduct referred to it by the Monitoring Officer

## Informing the Council and the Managing Director of relevant issues arising from the determination of Code of Conduct complaints

## Maintaining oversight of the Council’s arrangements for dealing with Councillor complaints

## Advising, training or arranging to train Borough and Local Councillors and co-opted members on matters relating to the Members’ Code of Conduct

## Assisting Borough and Local Councillors and co-opted Members to observe the Members’ Code of Conduct

The Independent Member Panel will usually meet as required for the purpose of considering allegations of misconduct.

**THE INDEPENDENT PERSON: SPECIFICATION**

**How has this role come about?**

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” to deal with allegations that a Member, or co-opted member with voting rights, of the Council or of one of the Local (Town, Parish or Village) Councils in the Borough has breached their Council’s Code of Conduct.

Such arrangements must provide for the Council to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views may be sought by the authority at any other stage, or by a Member against whom an allegation has been made.

Brentwood Borough Council has decided to appoint three Independent Persons.

**What is the role of an Independent Person?**

The Independent Person’s role is to work with the Council’s Monitoring Officer to help to ensure high standards of conduct in the Council and amongst elected Councillors within the Borough. One or all of the Independent Persons may be consulted at various stages of the complaints process in respect of any allegation that a Councillor has breached their Code of Conduct and on other Code of Conduct matters. The Independent Person’s role is set out in more detail in the role description.

**Who is eligible?**

Under the legislation, a person is not considered independent and is therefore ineligible if he/she:

* Is, or has been within the past 5 years, a member, co-opted member with voting rights or officer of the Council or of one of the Local (Parish or Village) Councils in the Borough; or
* Is a relative, or close friend, of a member, co-opted member with voting rights or officer of the Council or of one of the Local (Town, Parish or Village) Councils in the Borough For this purpose, “relative” means –
1. A spouse or civil partner;
2. Living with the person as husband and wife or as if they were civil partners;
3. A grandparent of the person;
4. A lineal descendent of a grandparent of the person;
5. A parent, sibling or child of the person;
6. A spouse or civil partner of c., d. or e. above;
7. Living with a person defined at c., d. or e. above as husband and wife or as if they were civil partners

**How long is the appointment?**

This will be confirmed on appointment, but it is likely that the Council will appoint the Independent Persons to a two-year term.

**Do I have to live or work in the Borough?**

Not necessarily, but a connection to the Borough will add to the merits of your application.

**How will the successful candidate be appointed?**

The positions are being advertised publicly via the Council’s website. The Council may only appoint someone who makes a formal application and the appointment must be approved by a majority of the members of the Council.

**What sort of person is the Council looking to appoint?**

Ideally, the Independent Persons will live or work in the area of the Brentwood Borough and understand the area and some of the issues facing it. They should be impartial, have a good standing in the community, and support the Council’s goals of being accountable, open, principled and committed to equality opportunities.

No particular professional background is specified, but the person should be able to demonstrate probity and high ethical standards. It is important that the Independent Persons have the profile and experience that the community would recognise and respect as bringing an independent and informed perspective to the process.

The Independent Persons will be asked to sign up to the Council’s Code of Conduct for Members.

**Is the position paid?**

Independent Persons will be paid an annual allowance of £500 calculated on a pro-rota 12 monthly basis.

**How much time does it involve?**

The workload of the Independent Persons will vary, according to the number of allegations of misconduct that are received. Meetings will normally take place during the day but some meetings will take place in the evening. Also, the Independent Persons will be consulted individually by the Monitoring Officer or by Councillors on various occasions, as set out in the Independent Person role description. This may be by telephone, email or meeting.

 **INDEPENDENT PERSON: ROLE DESCRIPTION**

1. Three Independent Persons will be appointed by the Council under the provisions of Section 28(7) of the Localism Act 2011.
2. One of the Independent Persons will be consulted by the Council’s Monitoring Officer together with the relevant Party Leader with regard to what course of action to take where any allegation has been made that one of the Council’s Members has breached their Council’s Code of Conduct. The possible decisions which can be taken are
* to take no further action,
* refer for the Party to deal with,(in the case of independent Councillors the Mayor will be the relevant person)
* early informal conciliation or training.
* reference to Ordinary Council.

 NB In the case of Parish Councillors a meeting with Clerk/Chairman will replace the party leader.

1. Where an allegation has been referred for investigation and the Investigator has concluded that there has been a breach of the Code of Conduct, the Monitoring Officer may consult one or all of the Independent Persons on whether the matter may proceed by means of informal resolution rather than referral to Ordinary Council.
2. Where an Investigator’s finding that there has been a breach of the Code of Conduct, the advice of the Independent Person(s) will be taken into account in deciding whether to dismiss the complaint and, where the conclusion is that the Member did breach the Code of Conduct, in deciding what action should be taken.
3. Where a Councillor is the subject of an allegation of a breach of their Code of Conduct, they may independently seek the views of one or all of the Independent Persons.

6. The Monitoring Officer will consult one or all of the Independent Persons on any applications by Members for dispensation to speak and/or vote at a meeting on an issue in which they have declared an interest.

1. In addition, the Monitoring Officer (or authorised representative) may wish to consult the one or all of the Independent Persons about any other aspect of standards of conduct affecting Members of the Council and of the Local Councils.
2. The views of the Independent Persons will be sought by the Council (through the Monitoring Officer or authorised representative) at a meeting, in writing (usually email rather than letter) or by telephone.
3. A meeting of the three Independent Persons may be called to consider any allegations and assess the seriousness of these.
4. Without prejudice to the preceding paragraphs, Independent Persons should not give advice to members of the Council or of the Local Councils in circumstances where no complaint about a Member’s conduct has been received. Where such advice is required, it should be sought by the Members of the Council or of the Local Councils from or via the Monitoring Officer, or his authorised representatives.
5. Independent Persons will be encouraged to familiarise themselves with the work of the Council and of the Local Councils and with the procedures which they operate. In this regard, it may be useful to attend meetings on occasion to observe proceedings. Independent Persons will be kept informed of key developments in relation to the Council and the Local Councils and will be invited to any Council meetings concerned with the general duty on the Council to promote and maintain high standards of conduct.
6. Independent Persons will be supported by the Council’s Monitoring Officer, who will arrange any necessary training and the provision of all information which may be necessary to enable the Independent Persons to perform their role effectively.

(Note: “Member” is an alternative reference to “Councillor”)

**BRENTWOOD BOROUGH COUNCIL**

**APPLICATION FORM FOR**

**ROLE OF INDEPENDENT PERSON (2023)**

**PERSONAL DETAILS**

|  |  |
| --- | --- |
| TITLE | MR/MRS/MISS/MS/OTHER\*\* Please specify …………………… |
| NAME |  |
| ADDRESS |  |
| TELEPHONE NUMBER (daytime) |  |
| TELEPHONE NUMBER (mobile) |  |
| EMAIL ADDRESS |  |

**REFERENCES**

|  |
| --- |
| **REFERENCES** - Please give the details of two people\* who are not related to you and who are able to provide references, relating to your suitability for the post |
| NAME |  | NAME |  |
| ADDRESS |  | ADDRESS |  |
| TEL.NO. |  | TEL.NO. |  |
| EMAIL |  | EMAIL |  |
| POSITION |  | POSITION |  |
| Note that references may be taken up prior to interview by telephone or e-mail unless you indicate otherwise |

 **ADDITIONAL INFORMATION**

Please use the space below and on the next page to give details of why you would like to become one of the Council’s Independent Persons and why you believe you are suitable for the position, taking into account the person specification and selection criteria. You may wish to tell us about your personal qualities and skills and work experience including voluntary activities and leisure interests.

The selection criteria include:

* A keen interest in standards in public life
* A wish to serve the local community and uphold local democracy
* High standards of personal integrity
* An ability to be objective, independent and impartial
* Sound analytical and decision making skills
* Questioning skills
* Leadership qualities, particularly in respect of exercising sound judgment
* Tact and diplomacy in handling sensitive situations
* A broad range of experience
* Good interpersonal skills
* Some knowledge of local government and an understanding of the political process
* Previous involvement in decision making through a formal process

**Additional Information continued …**

**Please continue on a separate sheet of paper if necessary …**

|  |
| --- |
| **PLEASE SIGN AND DATE THIS DECLARATION** |
| * I confirm that to the best of my knowledge and belief the information given in this application is accurate.
* I confirm that I am not, nor have I been within the past 5 years, a member, co-opted member with voting rights or officer of Brentwood Borough Council or of one of the Local Parish Councils in the Borough.
* I confirm that I am not a relative or close friend of a member, co-opted member with voting rights or officer of Brentwood Borough Council or of one of the Local Parish Councils in the Borough.

**Signature:**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Date:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

When completed, please return to: **Andrew Hunkin – Interim Director of People & Governance and Monitoring Officer**

 **Town Hall**

 **Ingrave Road**

 **Brentwood**

 **Essex**

 **CM15 8AY**

Or e-mail: andrew.hunkin@brentwood.rochford.gov.uk