



## **CHELMSFORD CITY COUNCIL**

### **APPOINTMENT OF INDEPENDENT PERSONS – INFORMATION PACK**

#### **1 Introduction**

- 1.1 The Localism Act 2011 (the Act) made major changes to the arrangements for securing high standards of conduct amongst local authority elected and co-opted members (generally known as councillors). The City Council has adopted the Local Government Association Model Code of Conduct. Some of the parish tier Councils have also adopted the Model Code. All current adopted codes are based on the seven principles set out in the Act, namely:
- selflessness
  - integrity
  - objectivity
  - accountability
  - openness
  - honesty
  - leadership
- 1.2 The Act also requires the City Council to deal with complaints made about any Councillor in its area (other than the Essex County Council, which has its own procedures). The City Council put in place arrangements for promoting high standards of conduct by elected and co-opted members as well as a Complaints Procedure for investigating and determining allegations of misconduct against members. All the procedures can be found Part 5.1 of the Council's Constitution which can be located on its website at: [www.chelmsford.gov.uk/constitution](http://www.chelmsford.gov.uk/constitution)
- 1.3 As part of standards regime each authority must appoint at least one "Independent Person" (IP). Guidance from the Committee on Standards in Public Life recommends that each authority has at least two IPs. The purpose of the role is to include an independent element in the consideration and determination of complaints. This is further explained in section 2 below.

- 1.4 The City Council currently has two Independent Persons but would like to appoint a further IP for additional resilience. The City Council is therefore looking to recruit a new Independent Person to take up this role.

## **2. Role of Independent Persons**

- 2.1 Detailed arrangements for handling complaints are for each authority to determine. However it is a requirement of the Act that each authority should appoint one or more IPs whose views **must** be considered when:

- an allegation of misconduct by a councillor has been received **and**
- the Council has decided that it should be investigated **and**
- that investigation has been completed **but**
- before the Council has decided what finding to come to and what sanction, if any, to impose.

- 2.2 Accordingly, when consulted by an authority, the IP will need to consider such issues as:

- Does an allegation indicate a breach of the Code?
- Is the allegation serious enough to warrant the expense and trouble of an investigation?
- Does the IP agree with the findings of an investigation either as to the facts of the matter or whether or not there has been a breach of the code?
- The appropriate sanction to impose having regard to all the circumstances

- 2.3 The Monitoring Officer will normally contact the IP in writing setting out the issues to be considered and arrange to meet with the IP to discuss their views before decisions are made. The IP's views on these issues **may** also usually be sought by a councillor against whom an allegation of misconduct has been made.

- 2.4 The City Council appoints more than one IP as IPs will not be expected to be available at all times and may not be able to advise in a particular case if they feel they have any conflict of interest, for example if they know the councillor concerned or a complainant.

- 2.5 The IP may be required to attend the Governance Committee from time to time, particularly if there is a hearing into a complaint or an investigator's report is being considered. The City Council's Governance Committee has at least 4 programmed meetings each year, usually in the evening. Hearings may also be arranged and these are scheduled during the day where possible although may take place in the evening. The IP will also

need to be available at other times for consultation and advice. It is not possible to estimate with accuracy the amount of work that will be required of the IPs but, including training, this will be unlikely to exceed six days a year. There will be some flexibility as to when duties are performed.

- 2.6 In addition, following changes to the way in which complaints about the behaviour of “statutory officers” are carried out, it is a requirement that at least one IP be invited to sit on any panel that is established to deal with a potential dismissal of one of the statutory officers; that is the Head of Paid Service (Chief Executive), Chief Finance Officer also known as the section 151 officer (Director of Finance), or the Monitoring Officer (Legal & Democratic Services Manager).

### **3. Terms of Appointment**

- 3.1 IPs will be holders of a statutory office and will not be employees of the City Council. An annual allowance is paid to IPs on a monthly basis.
- 3.2 In exceptional cases where an IP is requested to do so by a Monitoring Officer and agrees to devote significant additional time to a matter, an additional payment may be agreed in advance of the work being offered.
- 3.3 Appointments will be for a period of up to four years usually determined by Chelmsford City Council election cycles. The next scheduled elections are May 2023.
- 3.4 A person may not be appointed as an IP if either or both of the following apply:
- they have been a member or employee of the appointing authority (or a parish tier authority in their area) within the last five years.
  - they have a relative or close friend who is currently a member or employee of the appointing authority

### **4. Recruitment**

- 4.1 If serving as an IP is of interest to you please consider the Role Description and Person Specification in the Appendix. In the Person Specification you will see a number of competencies listed. Some are marked as essential and others as desirable. If you feel that you meet all the essential, and some of the desirable, competencies we should be pleased to receive an application from you.

- 4.2 If you would like more details of the role, or the opportunity to discuss the role or your suitability for it, please call the Monitoring Officer, Lorraine Browne, on 01245 606560.
- 4.3 If you wish to be considered for appointment, [please request and complete an application form](#) explaining your interest in the role and demonstrating the respects in which you meet the person specification. On Page 1 you should indicate to which authorities you wish to apply. Please submit your application either by email to [lorraine.browne@chelmsford.gov.uk](mailto:lorraine.browne@chelmsford.gov.uk) or by post to Lorraine Browne, Monitoring Officer, Chelmsford City Council, Civic Centre, Duke Street, Chelmsford, Essex, CM1 1JE. The closing date for applications is close of business on Friday 24<sup>th</sup> February 2023. All applications will be acknowledged.
- 4.4 Short listing will be done by assessment of application forms. Final selection will be based on further assessment of application forms, references, tests and interviews. All selection decisions will be based on the degree of match demonstrated with the competencies set out in the Person Specification in the **Appendix 1** below.
- 4.5 The intended timetable for the recruitment process is as follows:
- **24 February 2023** - Applications to be submitted by close of business.
  - **28 February 2023** – Selection of applicants for interview.
  - **8 March 2023** – Governance Committee to agree those to be recommended for appointment
  - **24 May 2023** – Annual Council to consider confirmation of appointment
- 4.6 Additional information about how the Council works and the role of the Governance committee can also be found particularly in Parts 1, 2 and 3 of the Constitution and a summary is set out in Appendix 2

### **Role Description, Person Specification and Principles Adopted by the City Council as to How the IPs will Fulfil Their Role**

#### **Role Description**

When requested:

- to advise the Monitoring Officer and/or the Governance Committee on whether to refer an allegation of misconduct for investigation or on any other matter referred by the Monitoring Officer
- following the completion of investigations into alleged breaches of the Code to advise the Governance Committee, on findings of fact, potential breaches of the Code and appropriate sanctions
- to advise elected councillors or co-opted councillors whose behaviour is the subject of an allegation

#### **Person Specification**

**The following competencies are essential**

- An interest in public sector governance issues
- Experience of reviewing data to reach evidence based conclusions
- Strong oral and written communication skills
- Credible and authoritative personal style
- Basic IT (email and text production)
- Experience of advising others
- Tact and diplomacy

**The following competencies are desirable**

- Experience of managing or advising on misconduct issues (possibly in the context of employment, a professional body or the voluntary sector)
- Understanding of the pressures and constraints of serving as an elected or co-opted member of a democratically accountable public body
- Experience and/or knowledge of public sector governance issues

#### **Eligibility**

A person may **not** be appointed as an IP if either or both of the following apply:

- They have been a member or employee of the Council or the Authority whose panel they are applying to join (or a parish tier authority in their area) within the last five years.

- They have a relative or close friend who is currently a member or employee of the Council or Authority.

### **Principles under which IPs will fulfil their role (as adopted by the Governance Committee)**

#### **The role of the IPs**

Having been appointed Independent Persons (“IPs”), the following principles reflect how they are expected to fulfil their responsibilities under section 28 of the Localism Act 2011 (“the Act”).

1. The statutory role of the IPs is set out in
  - section 28(7) of the Act
  - The Council's adopted principles for handling complaints about Councillors and
  - the Council's adopted procedures to be followed where a complaint is made.
2. The IP will provide guidance as to the Council's processes and procedures for handling complaints but will not act as the representative or advisor to any of the parties involved in the complaint.
3. **Principle 1** - An IP shall be consulted when a complaint is made and on the content of any reports and findings
  - 3.1 The Monitoring Officer (“MO”) shall consult with an IP, to determine whether a complaint merits formal investigation and before arranging such an investigation in accordance with the following principles-
    - 3.1.1 The MO will decide which IP to consult
    - 3.1.2 However, where a IP is consulted by a councillor or co-opted member of a relevant Council before a referral has been made by the Monitoring Officer, the IP will, prior to offering any guidance or comment, confirm with the MO that it is appropriate for them to be the IP in that case.
      - advise the Monitoring Officer that a contact has been made and by whom
      - keep a record of the issues raised and guidance or comments made by the IP in response and provide the MO with a copy
  - 3.2 Where an investigation finds evidence of a failure to comply with the Code of Conduct, the MO shall consult the IP in order to seek a resolution in appropriate cases.

- 4. **Principle 2** - The IPs shall promote high standards of ethical behaviour
- 4.1 The IPs shall carry out this aspect of the role by ensuring that they seek to -
  - 4.1.1 Handle allegations to a high standard of diplomatic skill;
  - 4.1.2 Promote an understanding of the ethical framework as adopted by the relevant Councils;
  - 4.1.3 Uphold and promote trust and accountability between the community that is served and the Councils, the public and their elected representatives;
  - 4.1.4 Act with fairness, impartiality and integrity;
  - 4.1.5 Uphold and promote the Codes of Conduct for Councillors and complaints procedures; and
  - 4.1.6 Promote high standards of conduct and ethical behaviour.

## **APPENDIX 2**

### **Summary of The Council's Decision Making Processes**

Chelmsford Council delivers a huge range of services, and it is important that those services respond to the needs of the community. Councillors act as the democratic link between the Council and the community it serves, to make sure citizens' voices are heard. This page explains how the Council and its elected Members make decisions that affect you.

#### **1.1 How does the Council work?**

1.1.1 All major policy decisions are made by elected Councillors, who then delegate the day-to-day running of the Council to its senior members of staff. It is the officers' job to turn the Councillors' decisions regarding the Council's policies and priorities into action.

#### **1.2 Councillors and Political Composition**

1.2.1 All Councillors are elected by local residents, and their main role is to represent their community, speaking and acting for local people. They also serve on committees of the Council, which take decisions on specific functions such as planning and licensing.

1.2.2 The current political make- up of the Council following all out elections in May 2019 is as follows:

- Liberal Democrat: 30
- Conservative: 21
- Chelmsford Independent Group: 2
- Chelmsford Residents Group : 2
- Independent : 1
- Vacancy : 1

#### **1.3 Full Council**

1.3.1 The Full Council is made up of all 57 elected Councillors, who all serve a four year term. Meetings of the full Council happen four times a year and are formal occasions. Full Council takes decisions on important high-level issues such as Council Tax and housing policy, and they also appoint the chairmen and vice-chairmen of the Council's committees.

#### **1.4 The Mayor**

1.4.1 The Mayor is elected each May by the Full Council for the next 12 months, along with a Deputy. The role of Mayor is primarily a ceremonial one, and the person appointed is expected to remain outside party politics. The Mayor is the First



Citizen of Chelmsford and represents the city at many events, but also chairs meetings of the Full Council. The Mayor is supported by a Deputy.

## **1.5 Council Meetings**

1.5.1 All Council meetings (Full Council, Committee and Cabinet) are open to the public, who are very welcome to attend and to listen to the debate. Almost all of the Council's business is conducted in public. However there are some issues (for example, matters personal to the individual or where commercially sensitive information could be disclosed) where discussion takes place after the press and public have been excluded. This always takes place after the public part of the meeting.

1.5.2 Meetings usually start at 7pm, to give as many people as possible the chance to attend. All of the matters to be discussed at meetings are listed in an agenda, published at least five working days before the date of the meeting. All agendas are published in advance on the Council's website, or they can be seen in person by visitors to the Council's Main Reception. All meetings (excluding the Annual Meeting in May) have a Public Question Time shortly after the start time, which gives people an opportunity to ask Councillors or Council officers questions or to make a statement.

## **1.6 Leader and Cabinet**

1.6.1 The Council is run on a "Leader with Executive" model. Full Council meetings with all 57 Councillors are too large to make day-to-day decisions, so the Council elects a Leader, who in turn appoints a Cabinet of up to nine members, to decide on certain issues. The Cabinet meets monthly, and its recommendations on major policy decisions are presented to Full Council to be debated and approved. Each Cabinet member has a portfolio, or area of responsibility, such as Finance or Planning, and works with staff from those areas to implement the adopted policies.

1.6.2 The Cabinet comprises the Leader of the Council and eight other members, each of whom has responsibility for a particular Council service or group of services. Together they take most of the day to day decisions about the running of the Council and the provision of services to the public that are not the responsibility of other committees.

1.6.3 One of the main functions of the Cabinet is to recommend the annual budget to the Council and to advise it on the development of major policies. The public and other members of the Council have the opportunity to question Cabinet members about their responsibilities and to comment on the issues discussed at its meetings.

## **1.7 Opposition**

1.7.1 Only the majority party's Councillors sit on Cabinet but the minority party also chooses a Leader and a shadow Cabinet, who act as spokespeople for their party on specific topics. The opposition is also represented on all Committees, and members from the opposition serve as chairman for the Overview & Scrutiny Committee and vice-chairman for the Audit Committee

## **1.8 Committees**

1.8.1 The Council has the following standing Committees, Sub-Committees, Groups and Panels. Details of their terms of reference and roles and responsibilities are set out in Part 3 of the Constitution.

- Audit & Risk Committee and its Treasury Management Sub-Committee
- Chelmsford Policy Board
- Governance Committee
- Licensing Committee
- Regulatory Committee
- Overview & Scrutiny Committee and its “Task & Finish Groups”
- Planning Committee
- Mayoral Working Group
- Civic Centre Panel

1.8.2 Most committees are based around specific Council functions and it is their job to consider important issues in greater detail. They can hear views from the public and receive reports from Council staff, in order to make their decisions or recommendations to the Cabinet and/or Full Council. All Committees must comprise an appropriate number of Councillors from each party, which is proportionate to the number of Councillors it has on Full Council.

1.8.3 The Overview and Scrutiny Committee is statutorily required to act as a balance to the powers of the Cabinet and is responsible for reviewing the way in which the Council delivers its services. It is chaired by an opposition Councillor for that reason.