



## **The Independent Persons**

Warwick District Council is seeking to appoint Independent Persons to the Council for a period of five years.

The Independent Persons are appointed under section 28(7) Localism Act 2011 for the purposes of the Code of Conduct for Members.

They are invited to all meetings of the Standards Committee and expected to take part in the deliberations of the Committee but are not voting members of that Committee.

### **The role of the Independent Person**

Before deciding on whether a complaint will be investigated, the Monitoring Officer will consult with one of the Independent Persons who will be involved at each subsequent stage of the proceedings.

If it is decided to appoint a Hearing Panel, the Independent Person will be invited to attend all its meetings. Their views will be sought and taken into consideration before the Hearing Panel takes any decision on whether the Councillor's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct. They do not, however, form part of the Panel, and will not be present when the Panel determines the case in private session and will not have a vote on the determination of the case.

It should be noted that the other Independent Person may also attend a Hearing Panel to act in a supportive role for the Councillor who the complaint is about.

The arrangements for dealing with complaints against Councillors which provide detail on this role are available via the Council's website.

In addition to the above role in line with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 those appointed to this role may be required to consider a recommendation from a Sub-Committee of the Council to dismiss one of its statutory officers (Head of Paid Service, Monitoring Officer or Chief Finance Officer). This will involve considering the Sub-Committees recommendation and passing a view on this to Council for its determination.

### **Qualifications for the role**

There are no set qualifications for this role but the following disqualifications prevent a person from being an Independent Person (either at the time of appointment or during their time in the role):

- (1) employment by, or Membership (including co-opted) of, Warwick District Council in the last five years or an independent member of Warwick District Council's Standards Committee within the last five years;
- (2) any bankrupt or person who has made a composition or arrangement with creditors which is extant;
- (3) having, within five years of the appointment, a conviction for an offence resulting in a sentence of imprisonment (whether or not suspended) for a period of not less than three months without the option of a fine;
- (4) a disqualification for being elected or being a member of an authority under the Representation of the People Act 1983 (corrupt electoral practices);
- (5) being an officer of another local authority;
- (6) is or has been within the past 5 years, a member, co-opted member or Officer of a Parish/Town Council within Warwick District Council's area; or
- (7) being a relative of a Member or Officer of Warwick District Council or Parish/Town Council within Warwick District

For this purpose, "relative" means –

Spouse or civil partner;

Living with the other person as husband and wife or as if they were civil partners;

Grandparent of the other person;

A lineal descendent of a grandparent of the other person;

A parent, sibling or child of a person within paragraphs (1) or (6);

A spouse or civil partner of a person within paragraphs (1) or (6); or

Living with a person within paragraphs (1) or (6) as husband and wife or as if they were civil partners.

### **Allowance**

The Independent Persons will be entitled to an allowance of £281 per year to cover costs incurred in the role.

To express your interest in this position please send a copy of your CV to:

Graham Leach  
Democratic Services Manager & Deputy Monitoring Officer  
Warwick District Council  
Riverside House  
Milverton Hill  
Royal Leamington Spa  
CV32 5HZ

Or via email to [graham.leach@warwickdc.gov.uk](mailto:graham.leach@warwickdc.gov.uk)

By no later than 12noon on 25 May 2018