



Council of the
ISLES OF SCILLY

INFORMATION FOR APPLICANTS

Independent Persons in the ethical standards regime for members under the Localism Act 2011

Background

The ethical standards regime for local authority members has gone through a significant transformation since the pecuniary interest requirements in the Local Government Act 1972.

The new ethical standards regime under the Localism Act 2011 has been in force since July 2012. The Council is required to promote and maintain high standards of conduct by members and co-opted members of the authority. In discharging that duty the Council must, in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.

The Council is also required to have in place arrangements under which allegations of misconduct can be investigated, and under which decisions on such allegations can be made. That includes the appointment of at least one Independent Person.

The Council discharges its responsibilities for ethical standards through its Scrutiny Committee, supported by the Monitoring Officer and other officers.

The Council has written procedures for dealing with Code of Conduct complaints and these are available from the Council's website. These will be reviewed in light of the findings of the Committee on Standards in Public Life: <http://www.scilly.gov.uk/council/code-conduct-members>

What the Localism Act 2011 requires

The Act imposes on the Council of the Isles of Scilly and other principal councils the obligation to appoint at least one Independent Person and the Act then goes on to say of that person or those persons, so defining their functions, so far as relevant to the Council of the Isles of Scilly:

- “(a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and*
- (b) whose views may be sought—*

- (i) *by the authority in relation to an allegation in circumstances not within paragraph (a),*
- (ii) *by a member, or co-opted member, of the authority if that person's behaviour is the subject of an allegation”*

There is a single mandatory requirement to seek the views of the Independent Person and after that it is a matter of choice whether the Council, probably through its Monitoring Officer or his nominee, or the subject member seeks the views of the Independent Person. We are only required to seek his or her views following a referral for investigation but before the post-investigation decision is made. It is anticipated that the greatest call on the time of the Independent Persons will be through their views being sought by members of the Council who have had complaints made against them.

The Act also imposes restrictions on who may be appointed as an Independent Person. Insofar as they are relevant to the Council of the Isles of Scilly, those restrictions are that to be eligible to be an Independent Person applicants must not:

- (i) be a member, co-opted member or officer of the Council;
- (ii) be a relative, or close friend, of a person within sub-paragraph (i); or
- (iii) have been a member, co-opted member or officer of the Council within the period of 5 years ending on the date you are appointed as an Independent Person.

Statistical information from the current regime

In the twelve months to December 2018 there were two Code of Conduct complaints, neither of which were upheld. This can be compared to Cornwall Council who process between 200 and 300 complaints each year, most of which relate to parish and town councillors.

The workload of the Isles of Scilly Independent Person is expected to continue to be very low. However, depending on the circumstances there may be a need to read large volumes of material relating to complaints.

Allowances and expenses

The Act permits Independent Persons to be paid allowances or expenses in connection with performing their duties.

The allowance is currently £110.09 per annum. Expenses may also be paid when appropriately incurred.

Senior staff disciplinary matters

The Independent Persons also have a role to play in relation to disciplinary matters relating to senior staff. Should the need arise you may be asked to sit on a panel to deal with such matters.

Appointment Timetable

The timetable for appointment is:

- (a) Advertisement placed week commencing **4 March 2019**.
- (b) Written applications to be received by 12:00 noon on **Wednesday 20 March 2019**.
- (c) Members of the Council's Scrutiny Committee will select a shortlist of candidates for conversations prior to appointment.
- (d) For conversations to be held with short-listed candidates, arrangements will be made for the week commencing **Monday 25 March 2019**.
- (e) Appointments will be recommended to the Full Council at the earliest opportunity to complete the process.

References may be taken up for the shortlisted candidates prior to appointment.

Appointments will be for an initial period of 4 years.

Those appointed will not be employees of the Council of the Isles of Scilly.

Training and support will be provided to the successful candidate(s).