

BATH & NORTH EAST SOMERSET COUNCIL

ROLE AND FUNCTION OF THE INDEPENDENT PERSON

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**1. GENERAL PRINCIPLES OF HOLDING PUBLIC OFFICE
(THE RELEVANT AUTHORITIES (GENERAL PRINCIPLES) ORDER 2001)**

The general principles (set out below) are required to form the basis of the Code of Conduct.

Selflessness

Members should serve only the public interest and should never improperly confer an advantage on any person

Honesty and Integrity

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

Members should make decisions on merit, including when making appointments awarding contracts, or recommending individuals for rewards or benefits.

Accountability

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

Members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.

Leadership

Members should promote and support these principles by leadership and by example and should act in a way that secures or preserves public confidence.

2. PERSON SPECIFICATION FOR AN INDEPENDENT PERSON

Experience		
i)	Working to high behavioural standards involving ethics and probity	Essential
ii)	Demonstrating high levels of confidentiality and integrity	Essential
Skills		
i)	Ability to weigh/sort complex evidence and reach rational conclusions, incorporating appropriate advice	Essential
ii)	Ability to be objective, independent and impartial	Essential
iii)	Good interpersonal skills, both written and oral	Essential
Knowledge		
i)	B&NES geographical area and its communities	Desirable
ii)	B&NES Code of Conduct	Desirable
iii)	Understanding the complexities of issues surrounding standards and ethics in local government and public life	Desirable
iv)	Knowledge of and understanding of judicial/quasi-judicial or complaints processes	Desirable
Other		
i)	Live or work within BANES	Desirable
ii)	Must not be, or have been an officer or member of B&NES within the previous 5 years, from date of appointment	Essential
iii)	Must have no personal, legal or contractual relationship with B&NES Council (including employees or members of former staff) or any conflict of interest	Essential
iv)	Must not be politically active or a member of a political party	Essential
v)	As the independent member may be required to review information of a sensitive and personal nature, the Council will require that the person is a fit and proper person to be an independent member, therefore a DBS disclosure may be sought	Essential

3. ROLE AND FUNCTION OF THE INDEPENDENT PERSON

The Council is required by law to adopt a Code of Conduct and to make arrangements under which allegations can be investigated and decisions on allegations can be made.

The role and responsibilities of the Independent Person are set out below:

- i) To assist the Council in promoting high standards of conduct by elected and co-opted members of Bath and North East Somerset Council and town and parish councillors, 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.
- ii) To be consulted by the Council through the Monitoring Officer and/or the Standards Committee before it makes a decision on an investigated allegation and to be available to attend meetings and hearings of the Standards Committee for this purpose.
- iii) To be available for consultation by the Monitoring Officer before a decision is taken as to whether to investigate a complaint or to seek local resolution of the same.
- iv) To be available for consultation by any elected member, including town and parish councillors, who is the subject of a standards complaint.
- v) To provide views to the Council in relation to any allegation not within paragraphs ii) or iii).
- vi) To participate in training events to develop skills, knowledge and experience and in networks developed for Independent Persons operating outside the Council's area.
- vii) To act as advocate and ambassador for the Council in promoting ethical behaviour.
- viii) Exercise all of the above functions in respect of Parish Councils and members of those Parish Councils within the Council.

The Council will be requested to confirm the appointment of the Independent Person at the Council meeting in September 2016.

It is intended to appoint an Independent Person together with a "Reserve" candidate to be in a position to act as Independent Person in the event that the person appointed is incapacitated or otherwise unable to act.