



Dover District Council

Independent Person

Job Description

Introduction

In accordance with Section 28(7) of the Localism Act 2011 the Council is required to appoint up at least one Independent Person.

Descriptions of Duties and Functions

The role of the Independent Person(s) appointed by the Council will be:

1. To assist the Council generally in discharging its duty to promote and maintain high standards of conduct by Elected Members and Co-opted Members of Dover District Council.
2. To advise the Monitoring Officer in connection with the assessment and post-investigation stage of complaints against Elected and Co-opted members.
3. To advise the Governance Committee [or equivalent body] in connection with complaints and potential sanctions where a failure to comply with a code of conduct has been established.
4. To advise their view, where sought, to an Elected or Co-Opted Member of Dover District Council or a Town and Parish Council partially or wholly within its area who is the subject of an allegation that their behaviour has breached a Code of Conduct.
5. To reach balanced and reasoned conclusions having considered complex material and applied an impartial and fair approach to all of the written and oral material provided.
6. .If circumstances require, to be appointed to a panel as required by Schedule to the Local Authorities (Standing Orders) (England) Regulations 2001 whose functions are to give advice, views or recommendations to the Council which the Council is required to consider before it votes to dismiss either the head of the authority's paid service, its chief finance officer or its monitoring officer
7. To undertake any training arranged by the Monitoring Officer (or authorised representative) to enable the Independent Person(s) to perform their role effectively.
8. It is envisaged that the views of the Independent Person will normally be sought by the Council (through the Monitoring Officer or authorised representative) at a meeting organised for the purpose of seeking such views or in writing, either by letter or email. Where the Independent Person's views have been sought in writing, either by letter or email, it is expected that the response will be provided in the same way. However, advice may be sought by telephone from time to time.

9. In reference to paragraph 4, the Independent Person(s) should not give advice to Members of the Council, or of the Town and Parish 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 Parish Councils, from, or via, the Monitoring Officer or his/her authorised representative.
10. The Independent Person will be selected from a list of appointees prepared following public advertisement; those persons will be expected to add the necessary element of independence and objectivity to the Committee's functions.
11. The person appointed as an Independent Person must:
 - be committed to the need for high standards in public life
 - demonstrate that they can remain independent in their thinking and decision making
 - be able to make judgements based on evidence or information presented
 - have questioning skills
 - be assertive
 - be able to work within an area of public life which is open and transparent
12. The Independent Person will be expected to undertake some training by the Council in procedures and processes, especially monitoring and ensuring compliance with Codes of Conduct, Complaints Procedures, etc and where appropriate including case studies.
13. It is envisaged that meetings will normally be held in the daytime.
- (a) The Council will meet travel and subsistence expenses in accordance with its set rates. The provision of any other allowance is subject to review by the East Kent Joint Independent Remuneration Panel.
- (b) The Independent Person MUST NOT^[1]
 - (i) Be, or have been during the last 5 years, a member, co-opted member or officer of Dover District Council or a Town or Parish Council within the district; or
 - (ii) A relative or a close friend of a member, co-opted member or officer of Dover District Council or a Town or Parish Council within the district.
 - (iii) A person is defined by the Localism Act 2011 as a relative if they are:
 - The spouse or civil partner or living as if they were a spouse or civil partner;
 - A grandparent;
 - A lineal descendant of a grandparent;
 - A parent, sibling or child;
 - The spouse or civil partner of a grandparent, lineal descendant of a grandparent, or a parent, sibling or child; or
 - Living with a grandparent, lineal descendant of a grandparent, or a parent, sibling or child as if they were a spouse or civil partner.

of a member, co-opted member or officer of Dover District Council or a Town or Parish Council within the district.

^[1] This paragraph must be read subject to the provisions of The Localism Act 2011 (Commencement No.6 and Transitional Savings and Transitory Provisions Order 2012 [SI 2012 No.1463] which permit the appointment of a person as an independent person notwithstanding that he has been an member or co-opted member of a standards committee at any time during the 5 years ending on 30 June 2012, provided that he is not a member or co-opted member of a standards committee on 1 July 2012. The exemption provided by the Order only applies to appointments made before 1 July 2013.