# **CHESTERFIELD BOROUGH**

# **COUNCIL-INDEPENDENT**

# PERSON APPLICATION PACK

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# **CHESTERFIELD BOROUGH**

### **COUNCIL STANDARDS AND**

### **AUDIT COMMITTEE**

### INDEPENDENT PERSONS

Thank you for considering applying to the Council to be an Independent Person. Here is some more information about the role. Application details are at the end of the pack.

#### A BACKGROUND INFORMATION

Chesterfield Borough Council was established under the Local Government Act 1972. Its key priorities are to make Chesterfield a thriving borough, to improve the quality of life for local people and to provide value for money services.

Its elected Members have a pivotal role in bringing about these improvements to the quality of life of people living in the Borough. They do this by making decisions, delivering change, challenging and scrutinising proposed actions and taking up issues raised with them by their constituents.

Chesterfield Borough Council is divided into 16 Wards and is represented by 40 Ward Councillors.

The Localism Act 2011 ('the Act') requires the Council to promote and maintain high standards of conduct by Members and Co-opted Members of the Council. From 13<sup>th</sup> June, 2012 the Council adopted a Members' Code of Conduct which reflects the Nolan Principles of Public Life as required by the Act. The Nolan Principles are Selflessness; Integrity; Objectivity; Accountability; Openness; Honesty and Leadership. The Act established a new, lighter touch, standards system for councils, but one which still requires robust and objective application. Since the end of community forums in the borough the Council does not tend to appoint co-opted members.

### **Standards and Audit Committee**

The Council's Standards and Audit Committee has specific responsibility for promoting and maintaining high standards of conduct amongst Members and Co- opted Members. This includes involvement in the process for dealing with allegations that Members may have broken the Code of Conduct. The Independent Person does not have a seat on the Standards Committee in terms of voting but gives views at appropriate stages of the complaints process. The committee also oversees the audit function of the council, but this is not something that the Independent Person is involved with. The Independent Person will be given the opportunity to attend Standards and Audit Committee to give their views on standards related issues and reports as they arise.

# Arrangements for dealing with allegations of breaches of the Members' Code of Conduct

The Council has adopted formal arrangements for dealing with allegations of breaches of the Members' Code of Conduct. These provide for the appointment of at least one Independent Person. The views of the Independent Person may be sought by a Member against whom an allegation has been made. Their views must be sought by the Council before it takes a decision on an allegation which it has decided warrants an investigation and their view can be sought by the Council at any other stage.

The views of the Independent Person will usually be sought by the Monitoring Officer by e-mail, but occasionally contact may be by telephone, post or through face to face meetings. Which Independent Person is contacted will be at the Monitoring Officer's (or their deputy's) discretion, but attempts are made to ensure a balance between use of each Independent Person where possible. The code of conduct and the procedures for alleged breaches can be seen here on the following links:

Press Ctrl then the link.

https://www.chesterfield.gov.uk/media/uqxdffno/council-members-code-of-conduct-2012.pdf

https://www.chesterfield.gov.uk/media/roud34qw/procedure-for-breach-of-code-approved-amendments-27-november-2019.pdf

## **Other Councils**

There are currently two parish councils within the Chesterfield Borough. These are:

- Brimington Parish Council
- Staveley Town Council

Each parish council is responsible for adopting its own code of conduct which accords with the Nolan Principles. Chesterfield Borough Council is responsible for dealing with allegations that parish councillors have broken their parish council's Members' Code of Conduct. The Arrangements adopted by the Council therefore also apply to Parish and Town Councils within the Borough. So, you may be asked to give views on complaints about parish council members as well as Chesterfield Borough Council members.

Derbyshire County Council has its own code of conduct and its own independent persons, as do other district councils in the locality. You will not, without your agreement, need to give views on code of conduct matters relating to these other authorities.

#### Other standards

Standards are also relevant in terms of officer behaviour. In 2015 the government decided that Independent Persons should have an additional role. They are involved in disciplinary matters that could lead to dismissal of an authority's statutory officer. At Chesterfield the statutory officers are the head of paid service (the chief executive), the chief finance officer and the monitoring officer.

# B KEY FUNCTIONS AND RESPONSIBILITIES OF AN INDEPENDENT PERSON

- 1. To undertake the statutory role of Independent Person appointed under Section 28(7) of the Localism Act 2011. To help the Council discharge its duty to promote and maintain high standards of conduct amongst Members and Co-opted Members.
- To be consulted by the Monitoring Officer as required during the initial assessment of a complaint to determine whether it is admissible, whether it warrants formal investigation or is suitable for alternative resolution or whether it warrants no further action.
- 3. Following completion of any investigation, to review any Investigating Officer's report in consultation with the Monitoring Officer when required.
- 4. To provide their views to the Council before it makes a decision on an allegation that it has decided to investigate, and to be available to attend meetings of the Standards and Audit Committee for this purpose. To also attend Standards and Audit Committee to provide views on standards related issues/reports.
- Generally, to provide their views to the Council at any other stage of the Council's process for dealing with complaints against Members alleging breaches of the relevant Code of Conduct.
- 6. To be available for consultation by any elected or co-opted Member including any Parish Councillor who is the subject of a complaint and to provide their views as appropriate when sought.
- 7. To develop a sound understanding of the ethical framework as it operates within Chesterfield Borough Council and the parish and town councils within the Borough.
- 8. To participate in training events to develop skills, knowledge and

- experience relevant to assisting the Council in promoting high standards of conduct by elected and Co-opted Members of the Council and by Parish and Town Councillors within the Borough.
- 9. With at least one other Independent Person, as a panel, to be appointed consider any proposal that may lead to the authority dismissing a statutory officer and to make recommendations to full council. The priority order for appointment to such a panel is:
  - an Independent Person who has been appointed by the council and who is a local government elector,
  - any other Independent Person who has been appointed by the council, and
  - an Independent Person who has been appointed by another council or councils.
- 10. To act as an advocate and ambassador for the Council in promoting ethical behaviour.
- 11. To be consulted by the Monitoring Officer on any other matters in relation to standards and conduct that they deem necessary.

### C CRITERIA – INDEPENDENT PERSONS

## An Independent Person will:

- 1. Not be required to have any specific qualification or background, save a general interest in and capability to act impartially in a regulatory and consultative capacity;
- 2. Be committed to the need for high standards in public life and be aware of the views of the local community in relation to standards:
- 3. Have the ability to be objective, independent and impartial;
- 4. Have strong analytical skills;
- 5. Understand and comply with confidentiality requirements;
- 6. Have a demonstrable interest in local issues and desire to serve the local community and uphold democracy;
- 7. Develop a sound understanding of the ethical and wide regulatory framework within which the Council operates;

- 8. Have an interest in public service and local government in particular;
- 9. Be of good standing in the community;
- 10. Be able to make judgements based on evidence or information presented in order to provide reasoned views.

Please note, you will need to be contactable during normal working hour by telephone or e-mail and to be available to attend hearings which may be held in the daytime or evening. The experience in Chesterfield is that most contact will be by email or telephone and that there are few occasions where attendance is required.

## Additional desirable skills/knowledge are as follows:

Working knowledge and/or experience of local government or other public service organisations, or other large complex organisation(s). Legal and/or governance experience.

### **Means of Assessment**

Applicants will be assessed on their application documents and by interview. You should demonstrate in your application documents how you meet the above criteria as this will assist in the short listing process.

# D RESTRICTIONS ON APPOINTMENT

Certain people are restricted from being appointed to the position of Independent Person.

You cannot be an Independent Person if you are:

1.

- (a) A councillor, co-opted member or officer of Chesterfield Borough Council:
- (b) A councillor, co-opted member or officer of Brimington Parish Council:
- (c) A councillor, co-opted member or officer of Staveley Town Council;
- (d) A relative or close friend of a person in (a), (b) or (c) above.

A relative is defined as:

- (a) The candidate's spouse or civil partner;
- (b) Any person with whom the candidate is living as if they were spouses or civil partners;
- (c) The candidate's grandparent;
- (d) Any person who is a lineal descendent of the candidate's grandparent;

- (e) A parent, brother, sister or child of anyone in paragraphs (a) or (b);
- (f) The spouse or civil partner of anyone within paragraphs (c), (d) or (e); or
- (g) Any person living with a person within paragraphs (c), (d) or (e) as if they were spouse or civil partner to that person.
- 2. Employed by Chesterfield Borough Council or are a senior employee (in a politically restricted post) of another local authority.
- 3. A member of any political party or have/had a public profile in relation to political activities (to ensure that the role is non-political and remains independent.)
- 4. Under 18 years of age:
- 5. The subject of a bankruptcy restrictions order or interim order.
- 6. Have been convicted in the last 5 years of an offence with a sentence of imprisonment (whether suspended or not) for a period of not less than 3 months without the option of a fine.
- 7. In debt to or in dispute with Chesterfield Borough Council.
- 8. Applicants must disclose whether they hold any contract with the Council

## E TERMS OF APPOINTMENT

- Appointment will be on a fixed basis agreed by Full Council until the 31<sup>st</sup> March 2028, with an option to extend for another 12 months.
- Appointment will be terminable by the Council at any time in the event of:
  - Incapacity.
  - Failure to comply with any training requirements.
  - Persistent failure to be available for consultation without good reason.
  - Failure to observe the standards reasonably expected from an Independent Person AND in this context the Independent Person would be expected to refrain from any activity, political or otherwise, which would conflict with the impartial nature of the appointment.
  - The Council giving three months' written notice.

- Any other reason/action which, in the view of the Council, is considered not to be commensurate with the expected standards from an Independent Person involved in the work of the Standards & Audit Committee and warrants termination.
- Additionally, the Independent Person may, by giving three months' written notice, resign the appointment at any time.
- The role of the Independent Person is subject to an allowance of £1,393 per person per annum, in recognition of the role undertaken. This is in addition to reasonable expenses claimed for travel and subsistence when meetings have been attended.
- In accordance with the Localism Act 2011, the appointment of the Independent Person must be approved by a majority of the Members of the Full Council. As full council meetings are held approximately every two months this can lead to some delay in the final decision on appointment.

# F APPLICATION DETAILS, CLOSING DATE and CONTACT

The Closing date for receipt of applications is midnight on 14<sup>th</sup> September 2025. It is anticipated that interview(s) will be on 18<sup>th</sup> September 2025.

To apply please submit an up to date CV with a supporting statement (no more than 2 sides of A4) setting out how you meet the requirements of the role to Sian Roxborough, Interim Head of Legal and Monitoring officer at <a href="mailto:sian.roxborough@chesterfield.gov.uk">sian.roxborough@chesterfield.gov.uk</a> or post to Sian Roxborough, Legal Services, Town Hall, Rose Hill, Chesterfield, S40 1LP