



Cherwell District Council

Independent Person

Primary Function

To undertake the statutory role of Independent Person appointed under Section 28 (7) of the Localism Act 2011 and to help the Council to discharge its duty to promote and maintain high standards of conduct among District Town and Parish Councillors in the Cherwell District.

1. Role Description, Specific tasks and Responsibilities

- Supporting the Monitoring Officer in connection with the assessment and post investigation stages of complaints against Councillors of District, Parish and Town Councils.
- Reading and digesting complaints and investigation reports into complaints against Councillors of the District, Parish and Town Councils.
- Providing views to the Monitoring Officer and the Standards Committee when requested in accordance with the Council's adopted Arrangements for dealing with Complaints of Councillor Misconduct.
- Providing views to Councillors who are the subject of complaints when requested with a view to ensuring that the Councillor is assured that a fair and just procedure is being followed.
- Assisting Cherwell District Council in discharging its duty to promote and maintain high standards of conduct by its Councillors and the Councillors of the District's Parish and Town Councils.
- To participate as an Independent Person in any Disciplinary Panel set up, to hear, consider, ask questions and comment and make recommendations in respect of Statutory Officer discipline or grievance.

2. Required Attributes

- No specific qualifications or background is required however a clear commitment to the role and its responsibilities are essential
- A wish to serve the public interest and the local community and to uphold local democracy.
- An understanding of ethical issues
- Good communication and interpersonal skills, and to be able to operate with tact and diplomacy
- Respect for others and high standards of personal honesty and integrity
- An ability to take account of the views of others but able to reach his/her own conclusions on particular issues.

- Ability to reach a balanced and reasoned conclusion having considered complex material and applied an impartial and fair approach to all of the written and oral material provided
- A person in whose impartiality and integrity the public and Members can have confidence
- Ability to demonstrate and promote a commitment to the Council's Equality and Diversity Policies.
- Able to understand and comply with confidentiality requirements
- Ability to attend virtual/hybrid meetings as required through the standards process, sometimes at short notice.
- Able to attend ad hoc Standards Committee meetings (virtual attendance possible), if required, and devote preparation time for each meeting.
- Willingness to participate in training events to develop skills, knowledge and experience in the role.
- Willingness to participate in networks developed for Independent Persons operating outside the Council's area.

3. Additional desirable skills / knowledge

- To have had involvement / experience in or working knowledge of local government or other public service
- Knowledge and understanding of judicial / quasi-judicial or complaints processes

4. Please note that by law, a person may not be appointed / will be disqualified from serving as an Independent Person if they:

- Are a Member, co-opted member or officer of Cherwell District Council
- Are a Member, co-opted member or officer of a town/parish council that falls within Cherwell District Council's area
- Has been a Member, co-opted member or officer of Cherwell District Council or a town/parish council in the Council's area in the previous 5 years
- A relative or close friend of a Member, co-opted member or an officer of Cherwell District Council
- Are a senior employee (in a politically restricted post) of another local authority
- Are the holder of any position within a political party at local, regional or national level
- Are the subject of a bankruptcy restrictions order or interim order
- 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
- Are in debt to or in dispute with Cherwell District Council

5. Terms of Appointment

- The Independent Person will not be an employee of the Council.

- In accordance with the Localism Act 2011, the appointment of an Independent Person has to be approved by a majority of Members of the Full Council.
- Appointment will be on a fixed basis agreed by Full Council for a period of four years, renewable once (by Full Council)
- Appointment will be terminable by the Council at any time in the event of:
 - Incapacity
 - Failure to comply with any reasonable training requirements
 - Persistent failure to be available for consultation without good reason
 - Failure to observe the standards reasonably expected from an Independent Person, including any activity which would conflict with the impartial nature of the appointment
 - Any of the reasons set out in section 4 of this role profile
 - 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 of an Independent Person involved in the work of the Standards Committee and warrants termination
- The Independent Person may, by giving three month's written notice to the Monitoring Officer, resign the appointment at any time. The Independent Person may decline to accept any renewal of a term of appointment.
- The role of the Independent Person is unsalaried but an annual allowance of £768 is paid and mileage allowance is also paid for attending any necessary meetings in person.

Monitoring Officer
October 2021