

THE BOROUGH COUNCIL OF NEWCASTLE-UNDER-LYME

**COUNCILLORS' CODE OF CONDUCT – APPOINTMENT OF INDEPENDENT PERSONS
TO ASSIST IN HANDLING COMPLAINTS**

JOB DESCRIPTION

Primary Function of Appointment

To undertake the statutory role of independent Person appointed under Section 28(7) of the Localism Act 2011 and to help the Council discharge its duty to promote and maintain high standards of conduct amongst Members and co-opted Members.

The New Standards Regime

The Localism Act 2011 introduced a new regime for promoting and maintaining high standards of conduct amongst Members and co-opted Members when acting in that capacity.

As part of these arrangements, each local authority had to adopt a Code of Conduct and have arrangements in place for dealing with complaints of breaches of that Code by its Members and co-opted Members. A new Code of Conduct and complaints arrangements have been adopted by the Council that set out what is expected of Council Members and how complaints will be dealt with. If a complaint is made that a Member or co-opted Member has failed to comply with the Code, the views of an Independent Person will be sought by the Council and may also be sought by the Member who is the subject of a complaint before a decision is made.

Role of Independent Person

Independent Persons should be able to interpret the Code of Conduct, balance differing views and bring an independent and informed perspective to the investigative process. This is a new role created under Localism Act 2011.

Independent Persons will be expected to read and digest complaints and investigation reports, liaise with the Council's Monitoring Officer, Members and co-opted Members and possibly attend some meetings of the Council.

Specific Tasks

- (a) To interpret the Code of Conduct, balance differing views and bring an independent and informed perspective to the investigative process.
- (b) Advising the Monitoring Officer in connection with the assessment and post-investigation stage of complaints made against Members and co-opted Members.
- (c) Reading and digesting investigation reports into complaints against Members and co-opted Members.
- (d) Advising in connection with complaints and potential sanctions where a failure to comply with the Code of Conduct has been established.

APPENDIX

- (e) Advising Members and co-opted Members of the Council in connection with complaints made against them under the Code of Conduct.
- (f) Assisting the Council in discharging its duty to promote and maintain high standards of conduct by its Members and co-opted Members.
- (g) Reaching balanced and reasoned conclusions having considered complex material and applied an impartial and fair approach to all of the written and oral material provided.
- (h) Be consulted by the Monitoring Officer before he makes a finding as to whether a Member or co-opted Member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Member or co-opted Member.
- (i) Be consulted by the Monitoring Officer in respect of a standards complaint at any other stage.
- (j) Be consulted by a Member or co-opted Member of the Council against who a complaint has been made.