

# AGENDA

## SELECTION PANEL FOR INDEPENDENT PERSONS ON THE STANDARDS COMMITTEE MEETING



Date: Wednesday 6 January 2010

Time: 10.00 a.m.

Venue: Town Hall, High Street,  
Maidstone

Membership:

Councillors Mrs Hinder (Chairman), Mortimer and  
Sams

Co-opted Member Mrs D Phillips

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Page No.

1. Apologies for Absence
2. Disclosures by Members and Officers
3. Disclosures of Lobbying
4. To consider whether any items should be taken in private because of the possible disclosure of exempt information

**Continued Over/:**

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**Issued on 22 December 2009**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Debbie Snook on 01622 602030**. To find out more about the work of the Standards Committee, please visit [www.digitalmaidstone.co.uk](http://www.digitalmaidstone.co.uk)

**David Petford, Chief Executive, Maidstone Borough Council,  
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

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|----|---|--------|
| 5. | Minutes of the meeting held on 2 December 2009  | 1 - 3  |
| 6. | Report of the Democratic Services Manager - Standards Committee - Appointment of Independent Member | 4 - 10 |

**PART II**

**To move that the public be excluded for the items set out in Part II of the Agenda because of the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test.**

**Head of Schedule 12A  
and Brief Description**

- |    |  |                |         |
|----|--|----------------|---------|
| 7. | Exempt Appendix to the Report of the Democratic Services Manager | 1 - Individual | 11 - 52 |
| 8. | Interview for the Appointment of Independent Member              | 1 - Individual |         |

## **MAIDSTONE BOROUGH COUNCIL**

### **SELECTION PANEL FOR INDEPENDENT PERSONS ON THE STANDARDS COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 2 DECEMBER 2009**

**Present:** Councillors Mrs Hinder and Mortimer

**Mrs D Phillips (Co-opted Independent Member)**

1. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillor Sams.

2. **ELECTION OF CHAIRMAN**

**RESOLVED:** That Councillor Mrs Hinder be elected as Chairman of the Panel for the remainder of the Municipal Year 2009/10.

3. **ELECTION OF VICE-CHAIRMAN**

**RESOLVED:** That Mrs Phillips be elected as Vice-Chairman of the Panel for the remainder of the Municipal Year 2009/10.

4. **DISCLOSURES BY MEMBERS AND OFFICERS**

Councillor Mrs Hinder stated that she was acquainted with the parents of one of the applicants, but she did not know the applicant.

Mrs Phillips stated that her husband was a magistrate when one of the applicants was employed as Clerk to the Justices.

Councillor Mortimer stated that although one of the applicants had indicated that she was a member of the Liberal Democrats, he did not know her.

5. **DISCLOSURES OF LOBBYING**

There were no disclosures lobbying.

6. **EXEMPT ITEMS**

**RESOLVED:** That the items on Part II of the agenda be taken in private as proposed.

7. STANDARDS COMMITTEE - APPOINTMENT/REAPPOINTMENT OF INDEPENDENT MEMBERS

The Panel considered a report by the Democratic Services Manager concerning the appointment of a fourth Independent Member to serve on the Standards Committee and the possible reappointment of Mr Mike Powis as an Independent Member. It was noted that:-

- The Standards Committee consisted of six Borough Councillors, three Independent Members and three Parish representatives, all of whom had full voting rights. The Council had decided to increase the number of Independent Members from three to four in order to create further capacity. The appointment was advertised originally in an edition of the Kent Messenger earlier in the year. In terms of the number of applications received, the response to the advertisement was disappointing and the decision was taken to re-advertise the position. The second advertisement appeared in the Town, East, South and Malling editions of the Downs Mail and coincided with a press release. In total, eleven applications were received in response to the advertisements. Following a shortlisting exercise undertaken by the Head of Legal Services in consultation with the Chairman of the Standards Committee, four of the applicants had been invited for interview.
- The Panel had been convened to consider the applications which had been received from shortlisted candidates and to make a recommendation to the Council regarding the appointment of a fourth Independent Member. The recommendation of the Panel had to be approved by a majority of the Council to enable the appointment to be made.
- The term of office of Mr Mike Powis as an Independent Member of the Standards Committee was due to expire on 30 June 2010. Mr Powis had expressed a willingness to serve a second term if the Council wished to make that decision now to avoid having to re-advertise again in six months' time. Mr Powis had completed an application form and had been invited for interview.

The Panel, wishing to consider the information contained in the exempt Appendix to the report of the Democratic Services Manager (the application forms and references) and to interview the shortlisted candidates and Mr Powis in private:-

RESOLVED: That the public be excluded from the meeting for the following items of business because of the likely disclosure of exempt information for the reason specified having applied the Public Interest Test:-

**Head of Schedule 12A and  
Brief Description**

Exempt Appendix to the Report of the  
Democratic Services Manager

1 - Individual.

Interviews for the Appointment /  
Reappointment of Independent Members

1 - Individual.

It was noted that one of the candidates invited for interview had stated that she was unable to attend, but would be available later in December. The Panel agreed that it wished to interview this candidate and that arrangements should be made to enable it to do so early in the New Year.

Having considered the information contained in the exempt Appendix to the report of the Democratic Services Manager and interviewed three of the candidates and Mr Powis, the Panel:-

RESOLVED:

That the following recommendation be made to the Council at this stage:-

That Mr Mike Powis be reappointed as an Independent Member of the Standards Committee for a term of three years commencing on 1 July 2010.

8. DURATION OF MEETING

6.00 p.m. to 8.30 p.m.

# Agenda Item 6

## **MAIDSTONE BOROUGH COUNCIL**

### **SELECTION PANEL FOR INDEPENDENT PERSONS ON THE STANDARDS COMMITTEE**

**6 JANUARY 2010**

#### **REPORT OF THE DEMOCRATIC SERVICES MANAGER**

**Report prepared by Debbie Snook**

- 1. STANDARDS COMMITTEE - APPOINTMENT OF INDEPENDENT MEMBER**
  - 1.1 Issue for Decision
    - 1.1.1 To make a recommendation to the Council regarding the appointment of a fourth Independent Member to serve on the Standards Committee.
  - 1.2 Recommendation of the Democratic Services Manager
    - 1.2.1 That the Panel consider the applications which have been submitted by the shortlisted candidates, interview the candidate who was unable to attend on 2 December 2009 and make a recommendation to the Council regarding the appointment of a fourth Independent Member to serve on the Standards Committee.
  - 1.3 Reasons for Recommendation
    - 1.3.1 In accordance with the requirements of the Local Government Act 2000, the Council must have a Standards Committee to promote and maintain high standards of conduct by Councillors; to monitor the effectiveness of the Code of Conduct for Councillors; to advise, train or arrange to train Councillors on matters relating to the Code; and to consider specific cases of misconduct. The Standards Committee also exercises these functions in relation to the Parish Councils in its area and the Members of those Parish Councils.
    - 1.3.2 The Standards Committee consists of six Borough Councillors, three Independent Members and three Parish representatives, all of whom have full voting rights. The Council has decided to increase the number of Independent Members from three to four in order to create further capacity. The appointment was

originally advertised in an edition of the Kent Messenger earlier this year. In terms of the number of applications received, the response to the advertisement was disappointing and the decision was taken to re-advertise the position. The second advertisement appeared in the Town, East, South and Malling editions of the Downs Mail in August/September and coincided with a press release. A copy of the advertisement is attached as Appendix A. The closing date for applications was 30 September 2009. In total, eleven applications were received in response to the advertisements. Following a shortlisting exercise undertaken by the Head of Legal Services in consultation with the Chairman of the Standards Committee, four of the applicants were invited for interview on 2 December 2009 and details are set out in the exempt Appendix. One of the candidates indicated that she was unable to attend that day, but would be available later in December. At its meeting on 2 December 2009, the Panel agreed that it wished to interview this candidate and that arrangements be made to enable them to do so early in the New Year. The Panel then proceeded to interview the other three candidates.

- 1.3.3 The Standards Committee has agreed that the term of office of Independent Members should be three years and that the maximum length of office should be six years. Previous appointments have been staggered to ensure that not all of the Independent Members retire at the same time.
- 1.3.4 The Standards Committee is responsible for the initial assessment of complaints of Member misconduct, the review of decisions to take no action in relation to such complaints and any subsequent investigations and hearings (functions undertaken by a Sub-Committee). The Standards Committee and the Sub-Committee are chaired by an Independent Member.
- 1.3.5 The Panel has been convened to consider the applications which have been received from the shortlisted candidates, interview the candidate who was unable to attend on 2 December 2009 and make a recommendation to the Council regarding the appointment of a fourth Independent Member. A majority of the Council must agree the recommendation of the Panel in order for the appointment to be made. The General Purposes Group has agreed to the co-option of an Independent Member of the Standards Committee onto the Panel when it undertakes its responsibilities relating to the appointment of Independent Members of the Committee. It is considered that, given their knowledge and experience of the work involved and the commitment required, the involvement of an Independent Member in the appointment process is beneficial. Mrs Dorothy

Phillips, an Independent Member, has agreed to participate in the appointment process.

1.3.6 Details of the agreed selection criteria against which applicants to be Independent Members on the Standards Committee are to be assessed and of the Job Description for the position are attached as Appendices B and C respectively.

1.3.8 It is proposed that the interview be conducted in private because of the likely disclosure of information relating to an individual.

1.4 Alternative Action and why not Recommended

1.4.1 The alternative would be to not appoint a fourth Independent Member to serve on the Standards Committee. However, the Constitution now provides for the appointment of four Independent Members and it is considered that a fourth Independent Member is required if there is to be sufficient capacity to deal with the new locally based ethical regime.

1.5 Impact on Corporate Objectives

1.5.1 The appointment of a fourth Independent Member of the Standards Committee has no direct impact on corporate objectives.

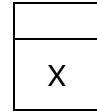
1.6 Other Implications

1.6.1

Financial	X
Staffing	
Legal	
Social Inclusion	
Considerations for Disabled Persons	
Environmental/Sustainable Development	
Community Safety	
Human Rights Act	
Procurement	



Risk Assessment



1.7 Financial

1.7.1 Independent Members are entitled to claim a Co-opted Members' Allowance and reasonable travel and subsistence expenses. The cost of these payments is met from within existing budgets.

1.8 Risk Assessment

1.8.1 The risk is that unsuitable persons will be appointed to serve as Independent Members on the Standards Committee but the selection process is designed to minimise this possibility.

1.9 Background Documents

1.9.1 None.

**MAIDSTONE BOROUGH COUNCIL**

**STANDARDS COMMITTEE**

**APPOINTMENT OF INDEPENDENT MEMBER**

In accordance with the requirements of the Local Government Act 2000, the Council must have a Standards Committee to promote and maintain high standards of conduct by Councillors; to monitor the effectiveness of the Code of Conduct for Councillors; to advise, train or arrange to train Councillors on matters relating to the Code; and to consider specific cases of misconduct. The Standards Committee also exercises these functions in relation to the Parish Councils in its area and the Members of those Parish Councils.

Currently, the Standards Committee consists of six Borough Councillors, three Independent Members and three Parish representatives, all of whom have full voting rights. The Council has decided to increase the number of Independent Members from three to four in order to create further capacity.

Applications are invited from members of the public interested in this appointment which would be for a term of three years. Applicants must be able to demonstrate a high degree of personal integrity and have an appreciation of the standards required of people holding public office.

You should live or work in the Borough and you cannot be considered for appointment if you:-

- have been an employee or elected Member of the Council in the last five years;
- are a relative or close friend of an employee or Member of the Council;
- are an employee or Member of another local authority.

The Standards Committee meets about five times a year, usually at 6.30 p.m. on a weekday evening. The Committee is responsible for the initial assessment of complaints of Member misconduct, the review of decisions to take no action in relation to such complaints and any subsequent investigations and hearings (functions undertaken by a Sub-Committee). Meetings of the Sub-Committee are generally held during the day. Independent Members are entitled to claim a Co-opted Members' allowance and reasonable travel and subsistence expenses.

For an informal discussion about this appointment, please telephone Neil Harris, Democratic Services Manager (01622 602020); Debbie Snook, Democratic Services Officer (01622 602030); or Paul Fisher, Monitoring Officer (01622 602006).

For an information pack and application form, please contact Debbie Snook (01622 602030) e-mail [debbiesnook@maidstone.gov.uk](mailto:debbiesnook@maidstone.gov.uk)

The closing date for applications is 30 September 2009.

**MAIDSTONE BOROUGH COUNCIL**  
**STANDARDS COMMITTEE – INDEPENDENT MEMBER**  
**SELECTION CRITERIA**

Applicants must:-

- Be prepared to give up time for training and meetings
- Either reside in the Borough or carry out the main part of their work in the Borough
- Agree to abide by the provisions of the Code of Conduct
- Not hold significant office in a political party (namely a member of the local executive)
- Not have given financial support, other than membership fees, to a political party within five years of the date of appointment
- Not have been convicted of an imprisonable offence
- Not have been adjudged bankrupt
- Not have a history of vexatious and/or frivolous complaints against Maidstone Borough Council or Parish Councils or Members of both.

Applicants should be able to demonstrate from their life experience and interview:-

- Mature judgement: the ability to withhold forming a final view until all available evidence has been obtained and considered
- Common sense: the ability to distinguish what matters from what does not
- Strong ethical standards: both an appreciation and demonstration of the importance of high ethical standards in corporate or public life
- Communication skills: the ability to listen and understand what is being said to them and to respond thoughtfully and articulately
- An ability to chair meetings as this would be an advantage

## **JOB DESCRIPTION FOR AN INDEPENDENT CO-OPTED MEMBER OF MAIDSTONE BOROUGH COUNCIL'S STANDARDS COMMITTEE.**

- To attend the Standards Committee meetings which are held a minimum of 5 times a year. The meetings are in the Town Hall, and last approximately 2 hours. . During the meetings you will oversee the Constitution, and proposed changes to it, the Whistle Blowing Policy, the Council's complaints system and Ombudsman investigations; make recommendations to the Council of payments where maladministration has been found;; consider the operation of the Members' Allowance Scheme; deal with applications relating to politically restricted posts; and consider applications for dispensations.
- To promote and maintain high standards of conduct by Borough and Parish Councillors.
- To advise, through the committee, the Council and its members on the Code of Conduct and monitor its operation.
- To be Chairman or Vice-Chairman of the committee if elected to that position.
- To be a member of the sub-committees which assess, review and determine complaints which have arisen under The Code of Conduct, against Borough and Parish Members. You may be asked to Chair one of these sub-committees.. These meetings are held during the day.
- To maintain and promote strong ethical standards at all times.
- To abide by the Code of Conduct and to assist Borough and Parish Councillors to do so.
- To attend training sessions for yourself, from time to time.
- To observe confidentiality at all times.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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