

## Democracy Committee

3 July 2017

Is the final decision on the recommendations in this report to be made at this meeting?

No

### Extension to the appointment of the Independent Person

<b>Final Decision-Maker</b>	Council
<b>Lead Head of Service</b>	Estelle Culligan, Interim Head of Legal Partnership and Monitoring Officer
<b>Lead Officer and Report Author</b>	Donna Price, Interim Deputy Head of Legal Partnership and Deputy Monitoring Officer
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### This report makes the following recommendations to this Committee:

1. To recommend to Council that the term for the current appointed Independent Person be extended for three years until 31 July 2020.

#### This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all -
- Securing a successful economy for Maidstone Borough -

The role of the Independent Person assists the Council in dealing with complaints effectively and efficiently and is essential in ensuring high standards of conduct amongst members are upheld as this is an integral part of the decision making processes and delivery of the council's priorities.

#### Timetable

<b>Meeting</b>	<b>Date</b>
Democracy Committee	3 July 2017
Council	19 July 2017

# Extension to the appointment of the Independent Person

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The Localism Act 2011 places a statutory duty on the Council to appoint an Independent Person who must be consulted before any decision is taken on an investigated complaint of misconduct by a Borough or Parish Councillor. The Independent Person may be consulted on other issues and by a Member who is the subject of a complaint.
  - 1.2 The Committee are asked to consider the report and recommend that the term for the current Independent Person be extended for a period of three years until 31 July 2020.
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## 2. INTRODUCTION AND BACKGROUND

- 2.1 Section 28 of the Localism Act sets out the requirements for the appointment of the Independent Person. Anyone who has been a member or co-opted member of the authority within the last five years or is a relative or close friend of such a person is precluded from being appointed as the Independent Person. There are no other restrictions to the appointment, including to the length of such an appointment.
  - 2.2 There was only one application submitted when the appointment process was carried out in 2013, and the serving Independent Person at that time was precluded from applying as they had been a co-opted member of the Standards Committee.
  - 2.3 On 24 July 2013 the current Independent Person, Mrs Barbara Varney, was appointed by Full Council following her successful application and interview by members for the position.
  - 2.4 During the past four year Mrs Varney has been consulted on a number of Code of Conduct complaints and has continued to carry out the role to a high standard consistently giving excellent support and advice.
  - 2.5 The current term of office expires on 31 July 2017 and it is essential that the Council appoints an Independent Person in order that it meets its statutory obligation.
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## 3. AVAILABLE OPTIONS

- 3.1 That the Council extends the term of the current Independent Person for a period of three years until 31 July 2020.
  - 3.2 That the Council advertises for a new Independent Person.
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#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 It is recommended that the term of the current Independent Person be extended for a period of three years until 2020. This will ensure consistency with dealing with Code of Conduct complaints and will aid us to maintain the high standards as the current Independent Person is experienced in dealing with such matters.
- 4.2 Should the Council choose to advertise for a new Independent Person they are unlikely to be able to appoint by the 31 July 2017 which will result in the position being vacant. In addition, it should be noted that when advertised in 2013 only one application was received and there are no guarantees that any application will be made or that we will be able to appoint somebody with the same level of experience and expertise as the current Independent Person.

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#### **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 The Monitoring Officer and the current Independent Person have been consulted with and both are in agreement to the extension.

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#### **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 If the Democracy Committee agree to recommend the extension to Council this will be considered at the Council Meeting on 19 July 2017.

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#### **7. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	The role of the Independent Person assists the Council in dealing with complaints effectively and efficiently and is essential in ensuring high standards of conduct amongst members are upheld as this is an integral part of the decision making processes and delivery of the council's priorities.	Interim Deputy Head of Legal Partnership
<b>Risk Management</b>	None identified	Interim Deputy Head of Legal Partnership

<b>Financial</b>	The position attracts an allowance of £700 a year together with reasonable travel and subsistence expenses. The cost of these remain the same as previously set therefore payments can be met from within existing budgets.	Interim Deputy Head of Legal Partnership
<b>Staffing</b>	None identified	Interim Deputy Head of Legal Partnership
<b>Legal</b>	As set out in the report	Interim Deputy Head of Legal Partnership
<b>Equality Impact Needs Assessment</b>	None identified	Interim Deputy Head of Legal Partnership
<b>Environmental/Sustainable Development</b>	None identified	Interim Deputy Head of Legal Partnership
<b>Community Safety</b>	None identified	Interim Deputy Head of Legal Partnership
<b>Human Rights Act</b>	None identified	Interim Deputy Head of Legal Partnership
<b>Procurement</b>	None identified	Interim Deputy Head of Legal Partnership
<b>Asset Management</b>	None identified	Interim Deputy Head of Legal Partnership

## **8. REPORT APPENDICES**

None

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## **9. BACKGROUND PAPERS**

None