

**Extension of the appointment of the Independent Person**

<b>Final Decision-Maker</b>	Democracy and General Purposes Committee
<b>Lead Head of Service</b>	Patricia Narebor, Head of Mid Kent Legal Partnership
<b>Lead Officer and Report Author</b>	Patricia Narebor, Head of Mid Kent Legal Partnership
<b>Classification</b>	Public
<b>Wards affected</b>	All Wards

**Executive Summary**

The Localism Act 2011, section 28(7) requires at least one Independent Person to be appointed, who should be consulted and whose views are to be taken into account, by the Council before it makes a decision on an allegation that it has decided to investigate regarding a breach of the members code of conduct.

The proposal is to extend the appointment of the current Independent Person for one year from 1 August 2020 to 31 July 2021 and to advertise the role and a reserve position for appointment in 2021.

**Purpose of Report**

Decision

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

1. To recommend to Council that the term for the current Independent Person be extended for one year from 1 August 2020 to 31 July 2021.
2. That the role of the Independent Person and a reserve position be advertised.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Corporate Leadership Team	16 June 2020
Democracy and General Purposes Committee	1 July 2020
Council	15 July 2020

# Extension of the appointment of the Independent Person

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<p><b>Impact on Corporate Priorities</b></p>	<p><i>The four Strategic Plan objectives are:</i></p> <ul style="list-style-type: none"> <li>• <i>Embracing Growth and Enabling Infrastructure</i></li> <li>• <i>Safe, Clean and Green</i></li> <li>• <i>Homes and Communities</i></li> <li>• <i>A Thriving Place</i></li> </ul> <p><i>The extension of the appointment of the Independent Person will contribute to the Council fulfilling the key objectives relating to Homes and Communities. The Council has undertaken to work with its partners to improve the quality of community services and facilities including for health care and community activities.</i></p> <p>The Council's values include taking responsibility. Taking into account the environment that the Council works in, the Council has undertaken to take ownership for its actions, which includes actions taken by Councillors. The value includes making the right choices and decisions that lead to a satisfactory outcome for all.</p> <p>Approving the recommendation will enable the Council to discharge its statutory responsibility and the objectives and values outlined in the Strategic Plan.</p>	<p>Head of Mid Kent Legal Partnership</p>
<p><b>Cross Cutting Objectives</b></p>	<p>Not applicable.</p>	<p>Head of Mid Kent Legal Partnership</p>
<p><b>Risk Management</b></p>	<p>Approving the recommendations will address the risks outlined in paragraph 5 of the report.</p>	<p>Head of Mid Kent Legal Services</p>

<b>Financial</b>	The position of Independent Person attracts an allowance of £750.13 a year (or as revised by the Members Remuneration Allowance Scheme) together with reasonable travel and subsistence expenses. The cost falls within the existing approved budget.	Head of Mid Kent Legal Partnership
<b>Staffing</b>	There are no staffing implications.	Head of Mid Kent Legal Partnership
<b>Legal</b>	The Localism Act 2011, section 28(7) requires at least one Independent Person to be appointed, who should be consulted and whose views are to be taken into account, by the Council before it makes a decision on an allegation that it has decided to investigate regarding a breach of the members code of conduct.  The recommendations of the report will enable the statutory duty to be discharged by the Council.	Head of Mid Kent Legal Partnership
<b>Privacy and Data Protection</b>	This report will not impact the personal data processed by the Council.	Head of Mid Kent Legal Partnership
<b>Equalities</b>		Head of Mid Kent Legal Partnership
<b>Public Health</b>	There are no public health implications.	Head of Mid Kent Legal Partnership
<b>Crime and Disorder</b>	There are no crime and disorder implications.	Head of Mid Kent Legal Partnership
<b>Procurement</b>	There are no procurement implications.	Head of Mid Kent Legal Partnership

## 2. INTRODUCTION AND BACKGROUND

- 2.1 The Localism Act 2011, section 28(7) requires at least one Independent Person to be appointed, who should be consulted and whose views are to be taken into account, by the Council before it

makes a decision on an allegation that it has decided to investigate regarding a breach of the members code of conduct.

- 2.2 The proposal is to extend the appointment of the current Independent Person for one year from 1 August 2020 to 31 July 2021 and to advertise the role and a reserve position for appointment in 2021.
  - 2.3 The term of the current appointment expires on 31 July 2020 and the Council is required to appointment or extend the term of the current appointment to enable the statutory duty to be extended. The proposal is to extend the appointment of the current Independent Person for a year and to advertise the role and a reserve position to be appointed in July 2021. 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 process regarding code of conduct complaints.
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### **3. AVAILABLE OPTIONS**

- 3.1 That the Council extends the term of the current Independent Person for a period of one year until 31 July 2021; and
  - 3.2 That the Council advertise the role of the Independent Person and a reserve for appointment in 2021.
  - 3.3 Or for the Council to do nothing. This is not an option since the legislation requires at least one Independent Person to be appointed.
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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

It is recommended that the term of the current Independent Person be extended for a period of one year until 31 July 2021. This will ensure that the Council complies with the statutory requirement for at least one Independent Person to be appointed by the Council and for a vacancy to be avoided. The extension will enable the Council to maintain high standards as the current Independent Person is experienced in dealing with such matters.

- 4.1 Advertising the role will enable the Council to make arrangements for the appointment of the Independent Person and a reserve on expiry of the term of the current Independent Person.
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### **5. RISK**

- 5.1 Without the extension of the appointment of the Independent Person, the position will be vacant from 1 August 2020.

- 5.2 Should the Council choose to advertise for a new Independent Person, an appointment is unlikely to be made by 1 August 2020 which will result in the position being vacant.
- 5.3 There is a risk that limited applications may be received from experienced candidates and/or the current Independent Person chooses not to apply for the role to commence from 2021. The risk will be mitigated by advertising the role widely.
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## **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 The monitoring officer has consulted with the Independent Person and she is in agreement with the extension.
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## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 If the Democracy and General Purposes Committee agree to recommend the extension to Council, this will be considered at the Council Meeting on 17 July 2020.
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## **8. REPORT APPENDICES**

None

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## **9. BACKGROUND PAPERS**

None