

**MAIDSTONE BOROUGH COUNCIL**

**COUNCIL**

**22 May 2021**

**REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE**  
**HELD ON 31 MARCH 2021**

**APPOINTMENT OF THE INDEPENDENT PERSON**

**Issue for Decision**

The appointment of an Independent Person and a Reserve Independent Person to assist in dealing with complaints of Member misconduct.

**Recommendations Made**

**That:**

1. Mr Alan Harrison be appointed as the Independent Person for the Council, and Mr Paul Murphy be appointed as the Reserve Independent Person for a term of 4 years, with immediate effect until 21 May 2025; and
2. The allowances paid per annum to the Independent Person and Reserve Independent Person, being £749 and £249 respectively, be approved.

**Reasons for Recommendation**

The Localism Act 2011, section 28(7) requires the Council to appoint at least one Independent Person, who must be consulted, and whose views are to be taken into account before any decision is taken on an allegation to be investigated regarding a breach of the Members Code of Conduct 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.

The term of the current Independent Person was due to expire on 31 July 2021, however the Independent Person resigned from the role in March 2021, and therefore the start date for the newly appointed Independent Person and Reserve Independent Person has been moved forward to May 2021, following the Annual Meeting of the Council.

Although previously only one Independent Person has been appointed, it is considered good practice to have a secondary Independent Person as a reserve, because of the additional duties for which the Independent Person may now be used.

An Independent Person must be appointed following an advertisement and application process and confirmation by Council. The position was advertised in

Jobs Go Public, Kent Online and Jobs in Kent. A copy of the advertisement and recruitment pack is attached at Appendix 1 and 2.

Three applications were received in response to the advertisement all three applicants were interviewed at a Special Meeting of the Democracy and General Purposes Committee held on 31 March 2021. The Localism Act 2011 requires the appointment of Independent Persons to be approved by the majority of members of the authority. Therefore the Democracy and General Purposes Committee agreed to recommend to full Council for Mr Alan Harrison to be appointed as the Independent Person for the Council, and for Mr Paul Murphy to be appointed as the Reserve Independent Person, subject to satisfactory references. Authority was delegated to the Monitoring Officer to obtain references. References have now been obtained, and the Monitoring Officer considers the references to be satisfactory.

### **Alternatives Considered and Why Not Recommended**

The alternative would be not to appoint an Independent Person. However, this is not an option since it is a requirement of the Localism Act 2011 for the Council to appoint at least one Independent Person.

### **Background Documents**

None

### **Appendices**

Appendix 1 – Appointment of the Independent Person – Recruitment Advert

Appendix 2 – Recruitment Pack for Appointment of an Independent Person