

MAIDSTONE BOROUGH COUNCIL

GENERAL PURPOSES GROUP

19 JULY 2013

REPORT OF THE HEAD OF LEGAL SERVICES

Report prepared by Paul Fisher

1. APPOINTMENT OF INDEPENDENT PERSON

1.1 Issue for Decision

1.1.1 To make a recommendation to the Council as to the appointment of an Independent Person to assist in dealing with complaints of Member misconduct.

1.2 Recommendation of the Head of Legal Services

1.2.1 That the Group consider the application which has been received, interview the candidate and make a recommendation to the Council as to the appointment of an Independent Person.

1.3 Reasons for Recommendation

1.3.1 In accordance with the requirements of the Localism Act 2011, the Council must 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.

1.3.2 The position was advertised on the Council's website. A copy of the recruitment pack is attached at Appendix A. One application was received in response to the advertisement and this is set out in the exempt Appendix.

1.3.3 Anyone who has been a Co-opted Member of the Standards Committee within the past 5 years may only be appointed until July 2013. Otherwise there is no restriction on the length of appointment. Under these rules, the term of office of Mrs Dorothy Phillips, the previous Independent Person has come to an end. She is not permitted to fill the position again (until July

2017), due to her past membership of Maidstone Borough Council's Standards Committee.

1.3.4 The Group has been convened to consider the application which has been received and to make a recommendation to the Council as to the appointment of an Independent Person. A majority of the Council must agree the recommendation of the Group in order for the appointment to be made.

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

1.3.6 It is suggested that Members allow time before the interview to decide how it is to be structured and to agree the questions to be asked.

1.4 Alternative Action and why not Recommended

1.4.1 The alternative would be not to appoint an Independent Person. However, this is a requirement of the Localism Act.

1.5 Impact on Corporate Objectives

1.5.1 The appointment of an Independent Person has no direct impact on corporate objectives.

1.6 Other Implications

1.6.1

Financial

X

Staffing

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Legal

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Social Inclusion

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Considerations for Disabled Persons

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Environmental/Sustainable Development

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Community Safety

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Human Rights Act

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Procurement

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Risk Assessment

X

1.7 Financial

1.7.1 The position attracts an allowance of £700 a year together with reasonable travel and subsistence expenses. The cost of these payments can be met from within existing budgets.

1.8 Risk Assessment

1.8.1 The risk is that an unsuitable person will be appointed to serve as the Independent Person, but the selection process is designed to minimise this possibility.

1.9 Background Documents

1.9.1 None.