

AGENDA

GENERAL PURPOSES GROUP MEETING



Date: Friday 19 July 2013
Time: 10.00 a.m.
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Black, Chittenden, Mrs Hinder, McKay,
D Mortimer and Mrs Stockell

Page No.

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

Continued Over/:

Issued on 11 July 2013

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 Group, please visit www.maidstone.gov.uk

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

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| 7. | Minutes of the meeting held on 11 June 2013 | 1 - 3 |
| 8. | Report of the Head of Legal Services - Appointment of Independent Person | 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 reason specified having applied the Public Interest Test.

Head of Schedule 12 A and Brief Description

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|-----|---|----------------|---------|
| 9. | Exempt Appendix to the Report of the Head of Legal Services - Appointment of Independent Person | 1 - Individual | 11 - 17 |
| 10. | Interview for the Appointment of Independent Person | 1 - Individual | |

Agenda Item 7

MAIDSTONE BOROUGH COUNCIL

GENERAL PURPOSES GROUP

MINUTES OF THE MEETING HELD ON TUESDAY 11 JUNE 2013

Present: Councillor Mrs Hinder (Chairman), and
Councillors Black, Chittenden, McKay, D Mortimer and
Mrs Stockell

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

3. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

4. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

5. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Mrs Hinder be elected Chairman for the
Municipal Year 2013/14.

6. ELECTION OF VICE CHAIRMAN

RESOLVED: That Councillor Chittenden be elected Vice Chairman for the
Municipal Year 2013/14.

7. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

8. EXEMPT ITEMS

RESOLVED: That the Items on the Agenda be taken in public as proposed.

9. MINUTES

RESOLVED: That the Minutes of the Meeting held on 25 March 2013 be
approved as a correct record and signed.

10. MATTERS ARISING FROM THE MINUTES

At the last meeting, the Group resolved that Councillor J A Wilson and
Councillor Yates only be appointed to Kent County Playing Fields

Association and the Maidstone/Beauvais Twinning Association respectively on re-submission of nomination forms of an appropriate standard to be approved by the Committee Members.

Members were informed that despite both Councillors being requested to re-submit nomination forms by both Officers and the Chairman of the Group, these had not been forthcoming.

The Group considered that there was a need for nomination forms to be completed to an appropriate standard so that the Council could be seen as selecting the appropriate person for the role, whether re-applying for a position or not.

RESOLVED:

1. That, as no nomination forms of an appropriate standard had been submitted, further nominations be sought for the vacancies on Kent County Playing Fields Association and the Maidstone/Beauvais Twinning Association.
2. That a letter from the Chairman and an example of a completed nomination form of an appropriate standard be circulated to all Members when seeking further nominations.

11. APPOINTMENT OF POLITICAL GROUP SPOKESPERSONS

RESOLVED: That the Political Group Spokespersons be appointed as follows:-

Conservative – Councillor Mrs Hinder
Liberal Democrat – Councillor Chittenden

12. NOMINATIONS TO OUTSIDE BODIES

The Group considered the report of the Head of Democratic Services regarding nominations received for the vacancies on Outside Bodies.

A Member informed the Group that, following the concerns raised by the current representatives on Tourism South East, he had called Tourism South East and found out that they no longer meet and only hold a conference once a year. He had also spoken to the Visitor Economy Business Unit Leader who had informed him that the Council were currently considering whether or not to re-apply for Membership this year.

RESOLVED:

1. That the nomination of representatives to Tourism South East be deferred until the next meeting to allow Officers to find out further information as to whether the Council should continue to nominate representatives.
2. That Councillors Parvin (Non-Elected, Voting Member) and Mrs Parvin (Non-Elected, Non-Voting Member) be appointed as the Council's

nominated representatives to the Local Government Association Rural Commission for a term of 1 year with effect from 1 June 2013.

3. That Councillor Mrs Joy be appointed as the Council's representative to the Maidstone Street Pastors Management Committee for a term of 3 years with effect from 15 May 2013.
4. That Councillor D Mortimer be appointed as the Council's representative to the Maidstone YMCA for a term of 1 year with effect from 21 May 2013 and that further nominations be sought for the remaining vacancy.
5. That Councillor Pickett be appointed as the Council's representative to the Maidstone Area Arts Partnership Committee for a term of 1 year with effect from 21 May 2013 and that further nominations be sought for the remaining vacancies.
6. That Councillor Black be appointed as the Council's representative as a Substitute Member on South East Employers for a term of 1 year with effect from 23 July 2013.
7. That Councillors Ash and Mrs Parvin be appointed as the Council's representatives on the Mid Kent Downs Steering Group for a term of 1 year with effect from 21 May 2013.
8. That Councillor Mrs Parvin be appointed as the Council's representative on the Kent Downs AONB Joint Advisory Committee for a term of 1 year with effect from 21 May 2013.

13. DURATION OF MEETING

10.00 a.m. to 10.28 a.m.

Agenda Item 8

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

--

Social Inclusion

--

Considerations for Disabled Persons

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Environmental/Sustainable Development

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Community Safety

--

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.

MAIDSTONE BOROUGH COUNCIL

APPOINTMENT OF INDEPENDENT PERSON AND RESERVE INDEPENDENT PERSON

Under the provisions of the Localism Act 2011, the Council is required to appoint an Independent Person to assist the Council in promoting and maintaining high standards of conduct amongst its elected members and parish councillors.

The Independent Person will be consulted on the decision to investigate complaints and before the Standards Sub-Committee of the Council makes a decision on an investigated complaint. The Independent Person may be consulted on other standards matters, including by the member who is subject to an allegation.

A fixed allowance of £700 per annum is payable for the Independent Person together with reimbursement of travel and subsistence expenses (to be confirmed) and a fixed allowance of £300 per annum for a Reserve Independent Person.

For further details, including an information pack and eligibility criteria, please visit the Council's website or contact:

Paul Fisher
Head of Legal Services
Maidstone Borough Council
Maidstone House
King Street, Maidstone
Kent ME15 6JQ

Tel: 01622 602006
Email: paulfisher@maidstone.gov.uk
Website: www.maidstone.gov.uk

The closing date for applications is 21 June 2013. Interviews will be held in July 2013

APPOINTMENT OF INDEPENDENT PERSON – BACKGROUND INFORMATION

Under the provisions of the Localism Act 2011 the way that Maidstone Borough Council deals with conduct complaints about its elected members and parish councillors in its area has changed.

The statutory regulatory framework has been abolished and the Borough Council is now responsible for deciding how to deal with standards issues at a local level, and it has adopted its own local code and has determined the arrangements for dealing with complaints.

The Act provides that the Council must appoint an Independent Person to assist in dealing with complaints of misconduct. Full details of the role and responsibilities of the Independent Person are included in this Recruitment Pack.

The new arrangements came into effect on 1st July 2012.

It is intended to appoint an Independent Person together with a "Reserve" candidate to be in a position to act as Independent Person in the event that the person appointed is incapacitated or otherwise unable to act.

INDEPENDENT PERSON

SELECTION CRITERIA

SKILLS AND COMPETENCIES

The Independent Person will have:

- a keen interest in standards in public life.
- a wish to serve the local community and uphold local democracy.
- the ability to be objective, independent and impartial.
- sound decision making skills
- leadership qualities, particularly in respect of exercising sound judgement.

The Independent Person will:

- be a person in whose impartiality and integrity the public can have confidence.
- understand and comply with confidentiality requirements.
- have a demonstrable interest in local issues.
- have an awareness of the importance of ethical behaviours.
- be a good communicator.

Desirable additional criteria are:

- working knowledge/experience of local government or other public service and/or of large complex organisations and awareness of and sensitivity to the political process.
- knowledge and understanding of judicial/quasi-judicial or complaints processes.

You should demonstrate in your application how you meet the above criteria as this will assist the short-listing process.

Means of assessment will be by application form and by interview.

NOTE: You will be required to be contactable at all times during normal working hours by telephone or by email and to be available to attend hearings which may be held in the day time and at relatively short notice.

Eligibility for Appointment

A person cannot be appointed as an Independent Person if they are or were within a period of 5 years prior to the appointment:

- A member, co-opted member or officer of Maidstone Borough Council.
- A member, co-opted member or officer of a parish council in Maidstone Borough Council's area, or a relative or close friend of the above.

ROLE OF INDEPENDENT PERSON – MAIDSTONE BOROUGH COUNCIL

ROLE DESCRIPTION

Responsible to: The Council

Liaison with: Monitoring Officer, members of the Standards Committee, officers and members of the Borough Council and Parish Councillors within the borough, key stakeholders within the community.

1. To assist the Council in promoting high standards of conduct by elected and co-opted members of Maidstone Borough Council and parish councillors and in particular to uphold the Code of Conduct adopted by the Council and the seven principles of public office, namely selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
2. To be consulted by the Council through the Monitoring Officer and/or the Standards Committee before it makes a decision on an investigated allegation and to be available to attend meetings of the Hearing Panel of the Standards Committee for this purpose.
3. To be available for consultation by the Monitoring Officer and/or the Standards Committee before a decision is taken as to whether to investigate a complaint or to seek local resolution of the same.
4. To be available for consultation by any elected member, including parish councillors, who are the subject of a standards complaint.
5. To develop a sound understanding of the ethical framework as it operates within Maidstone Borough Council and its parish councils.
6. To participate in training events to develop skills, knowledge and experience and in networks developed for Independent Persons operating outside the Borough Council's area.
7. To attend training events organised and promoted by the Council's Standards Committee.

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

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