

MAIDSTONE BOROUGH COUNCIL

COUNCIL

15 JULY 2020

**REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE
HELD ON 1 JULY 2020**

EXTENSION OF THE APPOINTMENT OF THE INDEPENDENT PERSON

Issue for Decision

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.

Recommendation Made

That the term for the current Independent Person be extended for one year from 1 August 2020 to 31 July 2021; and

That the role of the Independent Person and a reserve position be advertised for appointment in 2021.

Reasons for Recommendation

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.

The term of the current appointment expires on 31 July 2020 and the Council is required to make a new appointment or to 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.

Alternatives Considered and Why Not Recommended

That the Council could decide not to extend the term of the current Independent Person for a period of one year until 31 July 2021 but this would require a full process to be gone through at a difficult time when the Council has adopted the general approach of extending roles and responsibilities through to May 2021.

Background Documents

Extension of the appointment of the Independent Person – Report to the Democracy and General Purposes Committee – 1 July 2020