

MAIDSTONE BOROUGH COUNCIL

GENERAL PURPOSES GROUP

3 SEPTEMBER 2012

**JOINT REPORT OF THE HEAD OF DEMOCRATIC SERVICES AND
THE HEAD OF LEGAL SERVICES**

Report prepared by Paul Fisher

1. APPOINTMENT OF INDEPENDENT PERSONS

1.1 Issue for Decision

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

1.2 Recommendation of the Head of Democratic Services and the Head of Legal Services

- 1.2.1 That the Group consider the applications which have been received, interview the candidates and make a recommendation to the Council as to the appointment of an Independent Person and a reserve.

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 with a closing date of 17 August. A copy of the recruitment pack is attached at Appendix A. Two applications were received in response to the advertisement and these are 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.

1.3.4 The Group has been convened to consider the applications which have been received from candidates 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 interviews be conducted in private because of the likely disclosure of information relating to an individual. It is recommended that the Council should appoint a reserve Independent Person, who may advise in the absence of the Independent Person.

1.3.6 The interviews have been arranged to commence at 2.45p.m. It is suggested that Members allow time before the interviews to decide how they are 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

Legal

Social Inclusion

Considerations for Disabled Persons

Environmental/Sustainable Development

Community Safety

Human Rights Act

Procurement

Risk Assessment

X

1.7 Financial

1.7.1 It is proposed to pay an allowance of £700 a year to the Independent Person and £300 a year to the reserve together with reasonable travel and subsistence expenses (although this has to be formalized). The cost of these payments can be met from within existing budgets, and the payments will be reviewed in the light of experience.

1.8 Risk Assessment

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

1.9 Background Documents

1.9.1 None.