

**MAIDSTONE BOROUGH COUNCIL**

**COUNCIL**

**19 JULY 2017**

**REPORT OF THE DEMOCRACY COMMITTEE HELD ON 3 JULY 2017**

**EXTENSION TO THE APPOINTMENT OF THE INDEPENDENT PERSON**

**Issue for Decision**

To agree that the term of office of Mrs Barbara Varney, the current Independent Person, be extended for a period of three years until 31 July 2020.

**Recommendation Made**

That the term of office of Mrs Barbara Varney, the current Independent Person, be extended for a period of three years until 31 July 2020.

**Reasons for Recommendation**

The Localism Act 2011 places a statutory duty on the Council to 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.

Section 28 of the Localism Act 2011 sets out the requirements for the appointment of the Independent Person. Anyone who has been a Member or Co-opted Member of the Authority within the last five years or is a relative or close friend of such a person is precluded from being appointed as the Independent Person. There are no other restrictions to the appointment, including the length of such an appointment.

Only one application was submitted when the appointment process was carried out in 2013, and the serving Independent Person at that time was precluded from applying as they had been a Co-opted Member of the Standards Committee.

On 24 July 2013 Mrs Barbara Varney, the current Independent Person, was appointed by the Council following her successful application and interview by a panel of Members for the position.

During the past four years Mrs Varney has been consulted on a number of Code of Conduct complaints and has continued to carry out the role to a high standard, consistently giving excellent support and advice.

The current term of office expires on 31 July 2017, and the Council must appoint an Independent Person to meet its statutory obligation.

The Monitoring Officer and the current Independent Person have been consulted, and both are in agreement to the extension.

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

The extension of the term of office of the current Independent Person as proposed will ensure consistency in dealing with Code of Conduct complaints and will assist in maintaining high standards as the current Independent Person is experienced in dealing with such matters.

The alternative course of action would be to advertise for a new Independent Person. This is not recommended as it is unlikely that the Council will be able to make an appointment by 31 July 2017, resulting in the position being vacant. When the position was advertised in 2013, only one application was received and there are no guarantees that any application will be received or that the Council will be able to appoint someone with the same level of experience and expertise as the current Independent Person.

### **Background Documents**

None