

Council Meeting	
Meeting Date	6 October 2021
Report Title	Independent persons – extension of contracts
Cabinet Member	Cllr Roger Truelove – Council Leader
SMT Lead	David Clifford, as Monitoring Officer
Head of Service	
Lead Officer	Robin Harris – Deputy Monitoring Officer – Team Leader (Contentious) Mid Kent Legal Services
Key Decision	No
Classification	Open with restricted appendix which is not for publication by virtue of paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 as it contains information relating to an individual.
Recommendations	1. That Council extend the period of appointment of Patricia Richards and Christopher Webb as Independent Persons for a further four years to September 2025.

1 Purpose of Report and Executive Summary

- 1.1 In accordance with the provisions of the Localism Act 2011 (the Act), the Council on 16 May 2012 agreed the adoption of a new Code of Conduct for members and co-opted members. In September 2017, Council formally approved the appointment of Patricia Richards and Christopher Webb to the positions of Independent Persons for a four-year period.
- 1.2 The purpose of this report is to seek Council approval to extend the period of appointment of Patricia Richards and Christopher Webb as Independent Persons for a further four years to September 2025.

2 Background

- 2.1 Appendix I provides a summary of Patricia's and Christopher's professional and other experience, together with an outline of why they wish to continue in the role.

3 Proposals

- 3.1 The Act requires the Council to have in place arrangements under which, firstly, standards complaints can be investigated and, secondly decisions on complaints can be made. As part of that process, the Act envisaged a new role for an 'Independent Person'.

- 3.2 The Council is required to appoint at least one Independent Person. Although not members of the Standards Committee, the Independent Persons' views are to be sought and taken into account by the Committee when considering complaints about the conduct of a member or co-opted member of the authority.
- 3.3 Since the current Code of Conduct was adopted there have been eight complaints about members which have reached the stage of formal consideration by the Standards Committee, thereby requiring the Independent Persons' involvement.
- 3.4 The appointment of the Independent Persons was made after the positions had been advertised to the general public and Patricia and Christopher were appointed following submission of expressions of interest and a formal interview process. Moving forward, Patricia Richards and Christopher Webb have indicated their willingness to continue in their roles.
- 3.5 The position carries a Special Responsibility Allowance of £1,000 p.a.
- 3.6 This option would negate the time and expense of re-advertising and interviewing for the position in the circumstances where the Council already has two proven candidates.

4 Alternative Options

- 4.1 The Council could re-advertise and interview for the positions, but this would incur additional time and expense.
- 4.2 The Council could reappoint only one Independent Person to satisfy the requirements of the Localism Act. This is not recommended as previous experience has shown that failure to build in resilience can cause delay in dealing with complaints due to non-availability and can leave the Council vulnerable should the Independent Person choose to step down from the position.

5. Consultation Undertaken or Proposed

Consultation has taken place with the Chairman of the Standards Committee.

6 Implications

Issue	Implications
Corporate Plan	The appointment and extension of the Independent Persons enables the Council to demonstrate good governance and discharge its duty to promote and maintain high standards of conduct.

Financial, Resource and Property	The remuneration for the post is included in the budget for statutory committees
Legal, Statutory and Procurement	Section 28 of The Localism Act 2011 prescribes the procedure that a local authority must follow if it wishes to appoint one or more Independent Persons. There is nothing in the Act which prohibits the extension of appointments of Independent Persons.
Crime and Disorder	None identified at this stage.
Environment and Climate/Ecological Emergency	None identified at this stage.
Health and Wellbeing	None identified at this stage.
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
Risk Management and Health and Safety	Risks of non-compliance with legal requirements will be mitigated by the actions suggested in the recommendations to the report.
Equality and Diversity	No adverse equality or diversity implications, procedures apply equally to everyone.
Privacy and Data Protection	There are no implications as the personal information contained in the report is in the exempt appendix and is therefore compliant with data protection legislation.

7 Exempt Appendices

- 7.1 Appendix I: **Confidential** – details of individual persons recommended for extension as Independent Persons.

8 Background Papers

- 8.1 None.