

From: Ben Watts, General Counsel

To: Selection and Member Services Committee – 4 September 2025

Subject: Independent Person (Standards) Recruitment

Classification: Unrestricted

1. Introduction

- a. The Localism Act 2011 requires that the County Council appoint an Independent Person from whom the Monitoring Officer can seek advice when they are in receipt of an alleged breach of the Kent Member Code of Conduct.
- b. The legislation came into operation on 1 July 2012 just a few days after it was published. Therefore, the County Council approved at its meeting in October 2012 the appointment of Mr Michael George retrospectively for a four-year term expiring 30 June 2016. Mr George has subsequently been reappointed, most recently on 18 July 2024. His current term ends on 30 June 2027.
- c. As set out in the report to County Council recommending the reappointment of Mr George, the intention is to recruit a second Independent Person and appoint them to a 4-year term. A second Independent Person will provide resilience to the ethical framework of the Council and, with a term end date after that of Mr George, ensure that the Council is not left without an Independent Person.
- d. To provide additional resilience, appointing two Independent Persons as part of the proposed recruitment exercise can be considered.

2. The Role of the Independent Person

- a. The job description (including person specification) is set out in the Appendix. In sum, the role of the Independent Person is as follows:
 - i. To advise KCC on any allegation of breaches of the Member Code of Conduct by elected or co-opted Members that it has decided to investigate.
 - ii. If required, to be consulted by either authority in respect of allegations in other circumstances.
 - iii. If required, to be consulted by any elected or co-opted Member of either authority who is the subject of an allegation.

3. Recruitment of a Second Independent Member

- a. Under its terms of reference, this Committee is responsible for arranging the selection Panel for the Independent Person. As with the recruitment of the Member Remuneration Panel, it is important to ensure to keep a separation between Members and the recruitment of an individual who may be asked to comment on matters relating to the Code of Conduct.

- b. It is therefore being recommended that the Committee delegate responsibility for the recruitment process to the Monitoring Officer.
- c. It is a County Council responsibility to formally appoint any Independent Person. The recruitment process overseen by the Monitoring Officer will result in recommendations for appointment being placed before full Council for decision.
- d. The remuneration for this post is a £500 annual retainer (payable over 12 months) plus a daily rate of £100 (pro rata for part of a day) when required to undertake any duties, and travel expenses at the same rate as for elected Members (currently 45p per mile). This may be reviewed by the Member Remuneration Panel as part of their current review of the Members' Allowances Scheme.

4. Kent and Medway Fire and Rescue Authority

- a. The Committee is reminded that the County Council works in co-operation with the Kent and Medway Fire and Rescue Authority. Where either authority requires an Independent Person's advice but the one they have appointed is unavailable, our reciprocal arrangement is that the Independent Person of the other authority may be consulted. The Kent and Medway Fire and Rescue Authority has adopted the same Member Code of Conduct as the Council.

5. Recommendation

The Selection and Member Services Committee is asked to delegate to the Monitoring Officer the authority, in consultation with the Leaders of the Political Groups, to carry out a recruitment exercise for up to two Independent Persons, and make recommendations for appointment to County Council.

6. Background Documents

None.

7. Report Author and Relevant Director

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