

HERTFORDSHIRE COUNTY COUNCIL

COUNTY COUNCIL

TUESDAY, 23 MAY 2017 AT 10.00 AM

Agenda Item No.

8

APPOINTMENT OF AN INDEPENDENT PERSON

Report of the Chief Legal Officer

Author: Kathryn Pettitt, Chief Legal Officer (Tel: 01992 555527)

1. Purpose of report

- 1.1 To seek the appointment of an Independent Person pursuant to the standards provisions in the Localism Act 2011 (the '2011 Act').

2. Summary

- 2.1 The Council is required pursuant to the 2011 Act to appoint an Independent Person to support the Council's standards arrangements for members.
- 2.2 Following a recruitment exercise it is proposed that Terry Morris be appointed as the Independent Person for the County Council.

3. Recommendation

- 3.1 That Terry Morris be appointed as Independent Person for the County Council for a four year term with an option to extend the term for a further two years.

4. Background

- 4.1 The role of the Independent Person was established by the 2011 Act.
- 4.2 The 2011 Act places a duty on all local authorities to promote and maintain high standards of conduct for elected and co-opted members. This includes the requirement to have a code of conduct with which members must comply. At its meeting on 21 March 2017 the County Council adopted a revised Code of Conduct which applies to all members of the County Council as from 8 May 2017.
- 4.3 The 2011 Act also requires that authorities adopt arrangements for dealing with complaints about breaches of the code of conduct by Members of the Council. This must include provision for the appointment of at least one Independent Person per authority.

- 4.4 The County Council's arrangements for dealing with complaints provide that the Independent Person will have the following roles:
- They will be consulted by the Monitoring Officer as to the action that he/she proposes to take following receipt of an initial complaint that a member has failed to comply with the Council's Code of Conduct
 - They must be consulted before any finding is made as to whether a member has failed to comply with the Code of Conduct following investigation or a decision is made on action to be taken in respect of that member; and
 - They may be consulted by a member or co-opted member of their appointing authority against whom a complaint has been made.
- 4.5 In addition to the roles in relation to standard arrangements mentioned above in 2015 regulations were introduced by Government (the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 ("the Regulations")) which require the Council to establish a Panel to include Independent Persons appointed under the 2011 Act to advise it prior to taking any decision in relation to the dismissal of the Council's Head of Paid Service, Monitoring Officer or Chief Finance Officer.
- 4.6 At its meeting on 16 July 2012 the Council appointed Terry Morris to the role of Independent Person for the period expiring at the Annual Meeting of the County Council in May 2017.
- 4.7 The Chief Legal Officer recently undertook a recruitment exercise to identify a person to act as Independent Person for the Council for a period of four years with an option to extend the appointment for a further two years. Following the recruitment exercise it is recommended that Terry Morris be re-appointed as Independent Person. Mr Morris is semi-retired after 42 years in the telecommunications industry; the last 15 years of which were as a senior program/project manager. Mr Morris currently works on a part time basis for Hertfordshire Constabulary in the Crime Reduction and Community Safety Department.
- 4.8 No allowance will be payable but the Independent Person will receive travel costs and subsistence.

Background Information

Localism Act 2011 <http://www.legislation.gov.uk/ukpga/2011/20/contents>
The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 <http://www.legislation.gov.uk/uksi/2015/881/contents/made>
County Council July 2012
<https://www.hertfordshire.gov.uk/statweb/meetingsnov04toapr13/County%20Council/20120717/documents.html>